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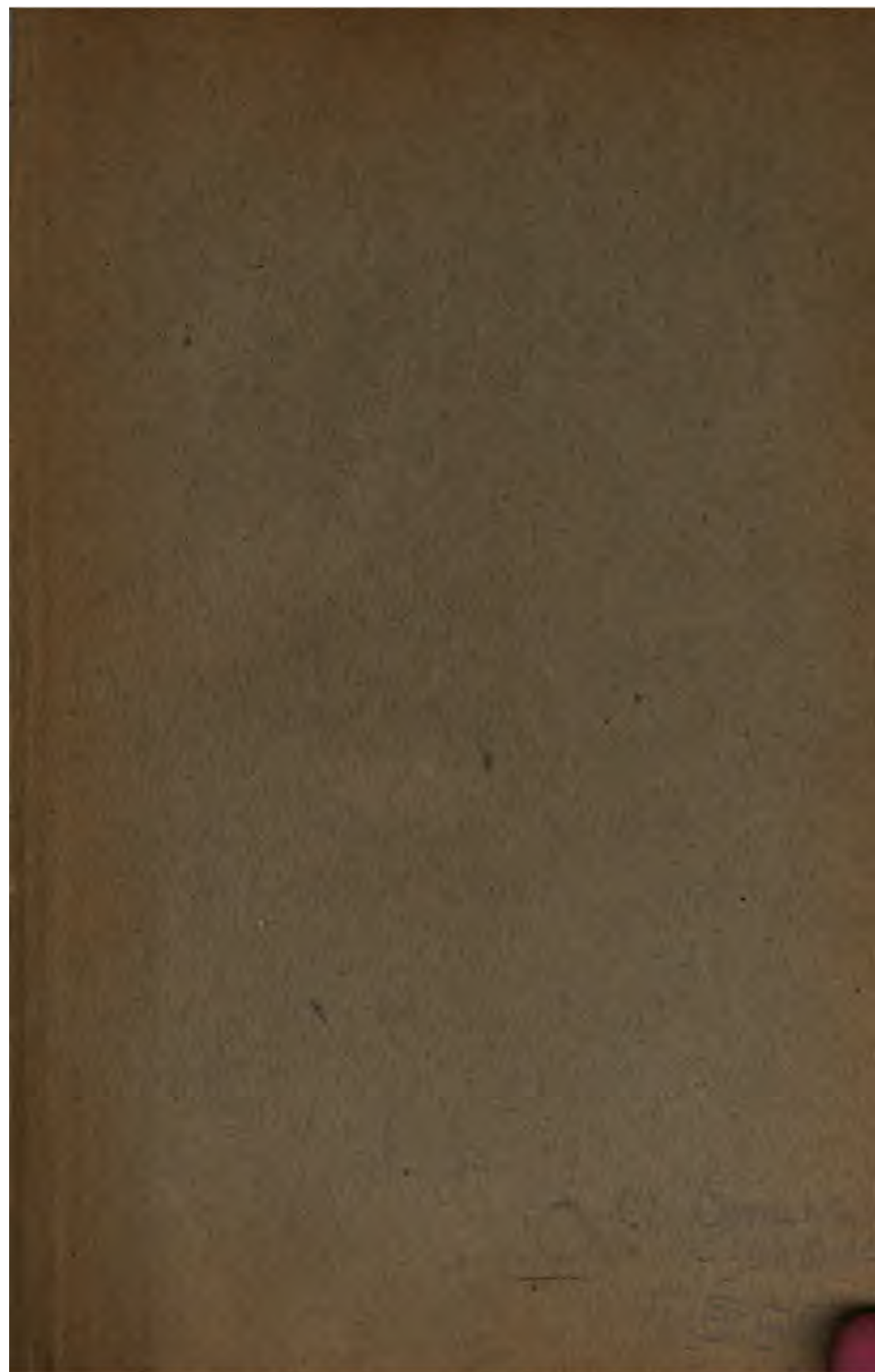
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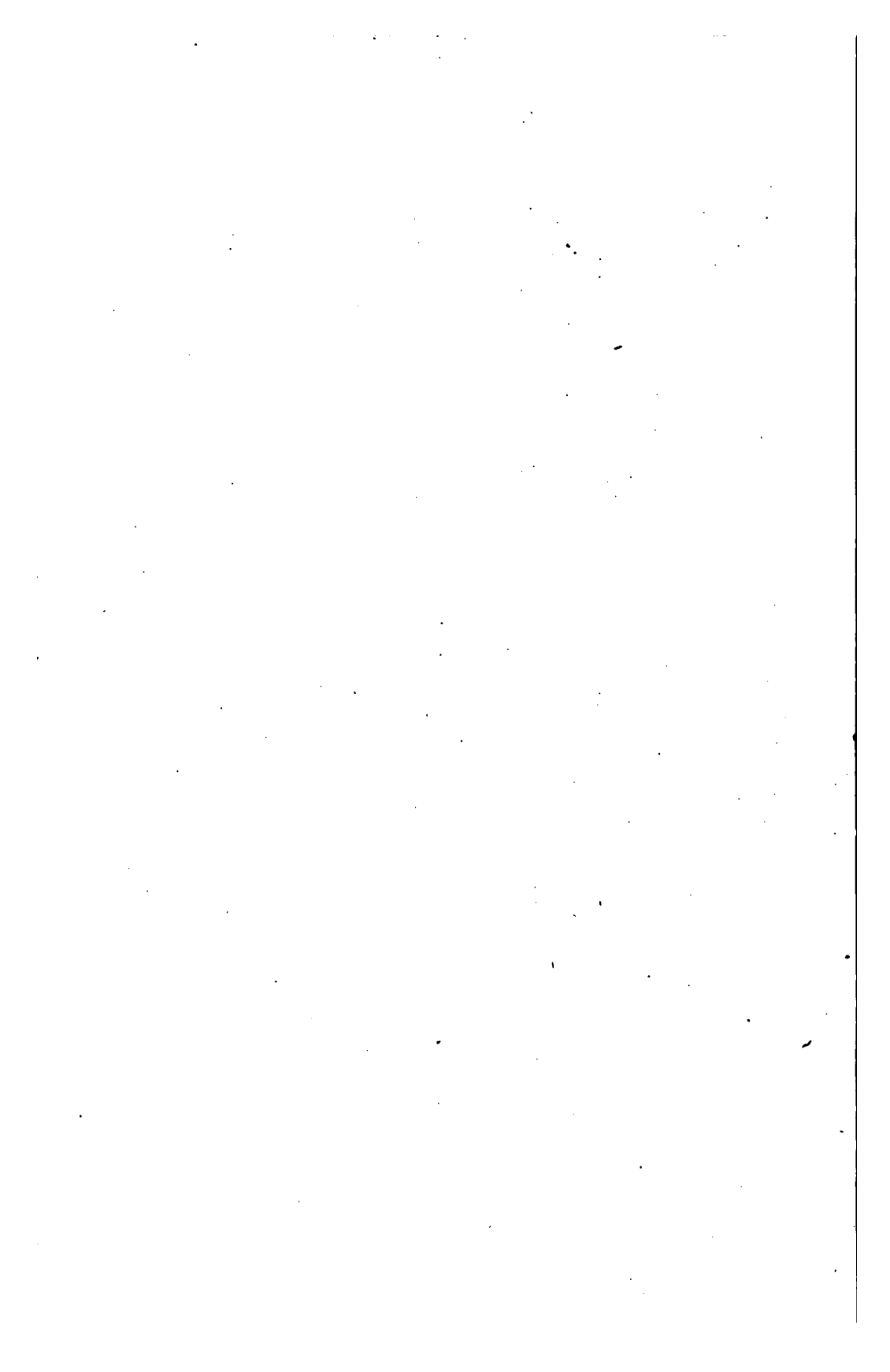
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Omaha Charters.

CHARTER

FOR

METROPOLITAN CITIES

COMPILED BY ORDER OF THE OMAHA CITY COUNCIL

BY ITS JUDICIARY COMMITTEE.

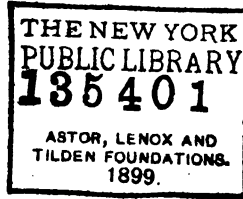
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★ THE CITY COMPTROLLER



The Judiciary Committee of the City Council of the City of Omaha was instructed by a resolution of that body to compile the Charter governing cities of the Metropolitan class. In making this compilation we have included therein all separate acts; and we present herewith a complete compilation of the State laws governing the City of Omaha.

W. A. SAUNDERS,	}	Judiciary Committee.
I. S. HASCALL,		
D. H. WHEELER,		

MAY 15, 1893.

RECEIVED
CITY OF
OMAHA

CHARTER.

AN ACT, ENTITLED AN ACT INCORPORATING METROPOLITAN CITIES, AND DEFINING, REGULATING AND PRESCRIBING THEIR DUTIES, POWERS AND GOVERNMENT.

SECTION 1. That all cities in the State of Nebraska now having a population of eighty thousand inhabitants, or more, shall be considered and known as cities of the metropolitan class and shall be governed by the provisions of this act.

No. inhabit-
ants making
city metropol-
itan class.

SEC. 2. Whenever any city shall hereafter have attained a population of eighty thousand inhabitants, or upwards, and such fact shall have been ascertained by any national or state census, and shall be so certified to the governor by the mayor of such city it shall thereupon be the duty of the governor by public proclamation to declare such city to be of the metropolitan class, and thereupon such city shall be subject to the provisions of this act.

How cities
secure advant-
age this act.

SEC. 3. The corporate limits of any city of the metropolitan class shall be fixed and determined by the mayor and council of such city, by ordinance, within one year after the passage of this act or within one year after being proclaimed by the governor a city

Corporate
limits how de-
fined.

of such class, the said corporation limits to include an area not to exceed twenty-five square miles, including any township or village organization within such limits, which organization shall thereupon cease and terminate, and after said corporate limits have been so fixed and determined, the same shall not be changed until the population of such city shall have increased at least twenty thousand, as shown by a state or national census, whereupon the mayor and council of any such city may extend said corporate limits such distance as may be deemed proper in any direction not exceeding one mile. Provided, that any city of the first or second class, or any incorporated city adjoining any city of the metropolitan class, may be included in and become a part of such city of the metropolitan class, upon proposition to be so attached and included being approved by a majority of the voters in each of the said cities voting on such proposition, upon such terms as may be stated in such proposition after being submitted to the voters to each of said cities, by ordinance passed by the mayor and council of each of said cities.

Corporate
name, and ser-
vice of process.

SEC. 4. The corporate name of each city organized under or governed by this act, shall be "the city of —," and all and every process or notice whatever, affecting any such city shall be served upon the mayor, or acting mayor, or in the absence of both of said officers from the city, then upon the city clerk.

Property right
to be affected.

SEC. 5. No right of property accrued to any city, corporation or person under any law heretofore in force,

shall be affected by this act, and all city ordinances now in force and not repugnant to the provisions of this act shall remain and continue in force until altered or repealed by the mayor and council.

Former ordinances to continue in force.

SEC. 6. Each city governed by the provisions of this act shall be a body corporate and politic, and shall have powers:

Powers of metropolitan cities.

First. To sue and be sued.

Second. To purchase and hold real and personal property for the use of the city, and real estate sold for taxes.

Third. To sell and convey any real or personal estate owned by the city, and make such order respecting the same as may be conducive to the interests of the city.

Fourth. To make all contracts and do all other acts in relation to the property and concerns of the city necessary to the exercise of its corporate or administrative powers.

Fifth. To exercise such other and further powers as may be conferred by law. The powers hereby granted shall be exercised by the mayor and council of such city, as hereinafter set forth, except when otherwise specially provided.

Powers exercised by mayor and council.

SEC. 7. Each city governed by this act shall be divided into wards, not less than six, or exceeding ten in number, the boundaries of which shall be defined by ordinance. Said wards shall be equal in population as near as may be.

No. of Wards.

Division of
Wards for elec-
tion purposes.

SEC. 8. Whenever fifty or more legal voters of any ward in such city shall petition the mayor and city council thereof to divide such ward into two or more polling or voting districts, and it shall be made to appear that said ward contains more than four hundred legal voters, the said mayor and city council, on presentation of said petition, shall by ordinance divide such ward into two or more election districts, and appoint judges and clerks of election for such polling or voting districts, as now appointed for the elections held in the wards.

Precinct and
Ward lines
agree.

SEC. 9. Precinct lines in that part of the county embraced within the corporate limits of a city of the metropolitan class, shall correspond with the ward lines in such city, and such precincts shall correspond in number with the wards of the city, and be co-extensive with the same :

Provided, That when a ward is divided into two or more election districts, the precinct corresponding with such ward shall be divided so as to correspond with the election districts.

Elections gov-
erned by Gen-
eral State elec-
tion laws.

SEC. 10. At all elections authorized by this act, the polls shall be opened at such place in such election district as may be designated by the mayor or as fixed by ordinance, and they shall be kept open between the hours specified by law for general, state and county elections and shall be conducted in accordance with the provisions of such law. At all general elections in cities of the metropolitan class the judges and clerks of such election shall each receive for their entire services

at such elections the sum of nine dollars (\$9), one-third of such sum to be paid by the city, one-third to be paid by the county, and one-third to be paid by the board of education. At all special elections in any such city the judges and clerks of such elections shall each receive for their entire services at such elections the sum of four dollars (\$4), the same to be paid by the city, county or board of education submitting the proposition or propositions to be voted upon at such elections.

SEC. 11. The general city election in all cities governed by this act shall be held on the Tuesday succeeding the first Monday in November, 1891, and every two years thereafter except as otherwise hereinafter specified. Such elections shall be held at the same place as are general elections for state and county officials occurring in such years. The officers to be elected at such elections shall be a mayor, police judge, city clerk, treasurer, and comptroller; they shall each and all be elected by a plurality of all votes cast at said elections for such officials and shall, when properly qualified, hold office for the term herein designated, commencing on the first Tuesday in January succeeding said election, or until their successors shall be elected and qualified. The terms, powers or authority of any official herein named elected at any city election held in December, shall not be affected or prejudiced by reason of the fixing of the date of holding city elections as herein specified.

General city
election when
held.

Officers to be
elected.

Term length
of, when com-
mence.

SEC. 12. The council of each city governed by this act shall consist of one member from each ward

Council how
composed.

and an equal number from the city. Each councilman before entering upon the duties of his office shall be required to give a bond to the city with two or more good and sufficient sureties, who shall each justify that he is worth at least five (\$5,000) thousand dollars in real estate in such city, over and above all debts, liabilities, and exemptions. Such bonds shall be in the sum of five thousand (\$5,000) dollars and shall be conditioned for the faithful discharge of the duties of the councilman giving the same and shall be further conditioned that if said councilman shall vote for any expenditure or appropriation of money, or the creation of any liability in excess of the amount allowed by law, that such councilman and the sureties signing said bonds shall be liable thereon. Said bond shall be filed with and approved by the mayor.

Councilman's
bond, con-
ditions, etc.

Councilmen
at large, how
elected.

SEC. 13. In all cities of the metropolitan class, now existing or hereafter created, the qualified voters of such city at the general election to be held in 1891, and every two years thereafter, shall by a plurality of all votes cast for such officials elect a number of councilmen equal to the number of wards in said city who shall be known and designated as councilmen at large, and who shall hold office for the term of two years from the first Tuesday in January following said election or until their successors are elected and qualified. At an election which shall be held in 1892 and every two years thereafter and in the manner herein designated, there shall also be elected one

councilman from each ward who shall be designated ward councilman; they shall each hold office for the period of two years from the first Tuesday in January succeeding such election. Whenever by reason of an increase of wards in such city, or by reason of being proclaimed a city of said metropolitan class, any ward shall be without representation, it shall be lawful and proper at the next succeeding general city election or at a special election the call for and holding of which is hereby authorized, to elect ward councilmen for such wards, and also to elect a number of councilmen at large equal to the number of new or additional wards created. The terms of such ward councilmen and councilmen at large shall be so stated and adjusted as to correspond with the terms of councilmen of the same class elected in 1892 and succeeding years as herein above designated. The councilmen at large and the ward councilmen shall constitute the city council and no member shall be eligible to more than two consecutive terms. Ward councilmen shall be residents of the wards from which they may be elected. All councilmen's terms of the office shall commence on the first Tuesday in January after their election, except such councilmen as may be elected at the special election herein authorized, whose terms shall commence immediately after the result of such election shall be declared. On said first Tuesday the councilmen shall assemble together and organize the city council. The terms, powers and authority of any official herein named elected at any city election held in December shall not be affected or prejudiced by reason

Ward councilmen, how elected.

No. of councilmen increased how.

Councilmen terms limited.

of the fixing the date of holding city elections as herein specified.

Council canvass election returns.

SEC. 14. The qualifications of electors in the several wards shall be the same as is required for electors in precincts under the laws of the state. A meeting of the council shall be held the first Monday after each city election, at which meeting the returns shall be canvassed, and it shall cause the clerk to make out and deliver certificates of election to the persons found to be elected, and a neglect of any such officer to qualify within ten days after the delivery to him of such certificate, shall be deemed a refusal to accept the office to which he may have been elected. No person shall be eligible to any elective city office unless he is a qualified voter in the city at the time of his election.

Mayor and council duties and powers.

SEC. 15. The mayor and council of each city created or governed by this act shall have the care, management and control of the city, its property and finances, and shall have power to pass, amend or repeal any and all ordinances not repugnant to the constitution and laws of this state, necessary or proper to execute or carry into effect any of the provisions hereof, or any of the powers herein granted, except as otherwise herein provided.

Provide for election of officers and fill vacancies.

SEC. 16. The mayor and council shall have power to provide for the election of city officers and to prescribe the manner of conducting the same, and the returns thereof, and the registration of voters, and for deciding contested elections in any manner not in con-

flict with existing laws; also to provide for filling such vacancies as may occur in the office of councilman or other elective office of the city; also to provide for removing officers of the city for misconduct, incompetency, or for malfeasance in office.

SEC. 17. The mayor and council shall have power to create any office, or employ any agent they may deem necessary for the government and best interests of the city, and to prescribe and regulate the duties, powers and compensation of all officers, agents and servants of the city not herein provided for. But all such agents, officers and servants employed or appointed under this act so far as practicable, must be qualified voters of said city.

May create office or employ agent.

SEC. 18. The mayor and council shall have power to require of all officers or servants, elected or appointed in pursuance of this act, to give bond and security for the faithful performance of their duties. No officer shall become security upon the official bond of another, or upon any bond executed to the city.

May require bond of officers

SEC. 19. The mayor and council shall have power to require from any officer of the city at any time, a report in detail of the transactions in his office, or any matter connected therewith.

May require report.

SEC. 20. The mayor and council shall have power to provide for the punishment of persons disturbing the peace and good order of the city by clamor and noise, by intoxication, drunkenness, fighting, or using obscene or profane language in the streets or other

May punish for disorderly conduct.

public places, or otherwise violating the public peace by indecent or disorderly conduct, or by lewd and lascivious behavior.

Same: tramps,
vagrants, etc.,

SEC. 21. The mayor and council shall have power to provide for the punishment of vagrants, tramps, common street beggars, common prostitutes, habitual disturbers of the peace, pick-pockets, gamblers, burglars, thieves, watch stuffers, ball game players, persons who practice any game, trick or device with intent to swindle, persons who abuse their families, and suspicious persons who can give no reasonable account of themselves.

Maysuppress
tippling shops,
etc.

SEC. 22. The mayor and council shall have power to restrain, prohibit and suppress tippling shops, houses of prostitution, opium joints or dens, gambling houses, prize fighting, dog fighting, cock fighting, and other disorderly houses and practices, all games and gambling, and desecration of the Sabbath (commonly called Sunday) and all kinds of indecencies; also to regulate and license, or prohibit the keeping and use of billiard tables, ten-pins or ball alleys, shooting galleries and other similar places of amusement, and to prohibit and suppress by ordinance, all lotteries and gift enterprises of all kinds under whatsoever name carried on.

Making and
enforcement of
police regula-
tions.

SEC. 23. The mayor and council shall have power to make and enforce all police regulations for the good government, general welfare, health, safety, and security of the city and the citizens thereof in addition to the police powers expressly granted herein, and in the

exercise of the police power may pass all needful and proper ordinances; and shall have power to impose fines, forfeitures, penalties and imprisonment at hard labor for the violation of any ordinance, and to provide for the recovery, collection, and enforcement thereof, and in default of payment to provide for the confinement in the city or county prison, work-house or other place of confinement with or without hard labor as may be provided by ordinance.

SEC. 24. The mayor and council shall have power to prevent horse racing and immoderate driving or riding in the streets, and to compel persons to fasten their horses or other animals attached to vehicles, while standing in the streets.

Horse racing,
fast driving.

SEC. 25. The mayor and council shall have power to adopt all such measures as they may deem necessary for the accommodation and protection of strangers, and the traveling public in person and property.

Protection of
strangers.

SEC. 26. The mayor and council shall have power to punish and prevent the carrying of concealed weapons, the discharge of firearms or fireworks of any description in any of the streets, alleys, or public grounds, on, about or in the vicinity of buildings.

Concealed
weapons, dis-
charge of fire-
arms.

SEC. 27. The mayor and council shall have power to prevent any person or persons from bringing, depositing, having or leaving upon or near his premises or elsewhere within the city, any putrid or diseased carcass, or any putrid, diseased or unsound beef, pork, poultry, fish, hides or skins of any kind,

Unsound fish,
meats, hides,
etc.

or any other unwholesome substance, and to compel the removal of the same at the expense of such person or persons.

Owners of additions make streets continuous.

SEC. 28. No owner of real estate within the incorporate limits of such city shall have the right, or be permitted to sub-divide said real estate into blocks and lots or parcels, without first having obtained from the city engineer, a plat or plan for the avenues, streets and alleys to be laid out within or across the same and such plat or plan of the avenues, streets and alleys, shall be made so that such avenues, streets and alleys, as far as practicable, shall correspond in width, name and direction and be continuous of the avenues, streets and alleys, in the city contiguous to or near the real estate to be sub-divided as aforesaid, and the mayor and council shall have power to compel the owner of such real estate, in sub-dividing the same, to lay out and dedicate to the public the avenues, streets and alleys to be within or across such real estate in accordance with said plat or plan, and shall further have the power to prohibit the selling or offering for sale any lots or parts of such real estate not sub-divided and platted as herein required. Any and all additions to be made to the city shall be made so far as the same relates to the avenues, streets and alleys therein, under and in accordance with the foregoing provisions.

Drainage, grading lots, sloping banks of earth, etc.

SEC. 29. The mayor and council shall have power to require any and all lots or pieces of ground within the city to be drained, filled or graded, so as to pre-

vent stagnate water, banks of earth, or any other nuisance accumulating or existing thereon; and upon the failure of the owners of such lots or pieces of ground to fill, drain or grade the same when so required, the council may cause such lots or pieces of ground to be drained, filled or graded, and the cost and expense thereof shall be levied upon the property so filled, drained or graded, and collected as other special taxes.

SEC. 30. In each city of the metropolitan class there shall be a board of health to consist of the mayor, who shall be chairman, the commissioner of health, who shall be secretary, and who shall be the city physician of said city, the chief of police, the plumbing inspector and two members of the city council, who are chairmen of committees relating to streets and alleys, and sewers, respectively; a majority of said board shall constitute a quorum. Said commissioner of health shall be appointed by the mayor, subject to the approval by the council. He shall have the qualifications of a physician under the laws of the state. He shall execute and enforce all laws of the state and ordinances of the city relating to matters of health and sanitation and all rules and regulations of the board of health concerning matters within their jurisdiction and control. He shall make reports to the board of health as by them directed, of his acts, doings and proceedings as such commissioner and receive and execute the orders, directions and instructions of said board. He shall have charge, control and supervision

Board of health
how organized.

Commissioner
of health, ap-
pointment,
term, compen-
sation, duties.

Sanitary com-
missioner, pow-
er, duty, au-
thority.

under said board of health of all sanitary and health affairs of such city, including the removal of dead animals, the sanitary condition of streets, alleys and vacant grounds, of stock yards, wells, cisterns, privies, water closets, cesspools and stables; of houses, tenements, manufactories, and all public and private buildings of every sort, and of any and all buildings and places not specified where filth, nuisances or offensive matter is kept or is liable to, or does accumulate; the board of health shall have control and supervision of meats, foods, drinks, and the inspection, condemnation, use, sale and disposition thereof. The board of health shall have power to define, regulate, suppress and prevent the occurrence of nuisances; said board shall also have control of all contagious or infectious diseases, and the care, treatment, regulation and prevention thereof; of all hospitals, dispensaries and places for the treatment of the sick, and of matters relating to births and deaths, and the records thereof in said city; also of all cemeteries, or places for the burial of the dead. The jurisdiction of said board of health shall extend over such city and over all grounds and property within three miles of the limits thereof. Said commissioner of health shall have power to enter upon and inspect any and all premises for the detection, correction or extermination of nuisances, contagious or infectious diseases, or the improvement of the sanitary condition of said premises. Inspectors of meats, milk, food and of any and all other matters and things relating to the sanitary condition of such city shall be under the control and direction of said board of health. The

Board of
health, power
and authority.

Jurisdiction
of board of
health.

Power of com-
missioner of
health.

Inspection of
food, etc.

board of health when in session shall make rules and regulations for the conduct of its affairs and of the ac-
 tion of said commissioner of health, and for the efficient
 regulation, control, direction and improvement of the
 health and sanitary affairs of such city embraced or
 coming within the jurisdiction, direction or control of
 said board of health. Said board* of health shall, as
 from time to time required by the city council, assume
 control and direction of the garbage, plumbing inspec-
 tion, pound master, and other similar matters relating
 to the health and sanitary condition of such city, and
 in the same manner hereinbefore provided, make rules
 and regulations for the government, control and effect-
 iveness of the same, or may continue to control and di-
 rect the same under existing ordinances as may be by
 said city council directed. Said board of health may
 provide such office and employ such clerks, inspectors,
 assistants and deputies as the fund provided by the city
 council may permit, and may make rules and regula-
 tions for the government and control of such employes
 and define the duties, power, authority and compensa-
 tion of the same. In case of the absence, disability or ina-
 bility to act of said commissioner of health, the mayor may,
 and he is hereby authorized and empowered to designate
 and appoint, subject to the approval of the council, some
 suitable person who shall be a physician of good standing
 to temporarily perform the duties of said commissioner,
 and such appointee shall have and exercise the same
 powers and authority as said commissioner during the
 period for which appointed. The board of fire and police
 commissioners and the chief of police shall co-operate

Rules and
regulations of
board.

Enforcement
of rules.

Office and em-
ployees.

Acting com-
missioner be
appointed,
how and when.

Chief of police
assist.

and shall have in the enforcement of all ordinances of the city, relating to matters within the jurisdiction of said board and as otherwise directed by the mayor and city council.

Section 31. Repealed.

Section 32. The mayor and council shall have power to provide for the prevention of cruelty to children or animals.

Section 33. The mayor and council shall have power to regulate, license or prohibit the running at large of dogs and guard against injuries or annoyance therefrom and to authorize the destruction of the same when running at large contrary to the provisions of any ordinance.

*Inspection of
steam boilers,
and plumbing.*

Sec. 34. The mayor and council shall have power to prohibit or regulate the running at large, or the herding or driving of domestic animals, such as hogs, cattle, horses, sheep, goats, fowls or animals of any kind or description, within the corporate limits, and provide for the impounding of all animals running at large, herded or driven, contrary to such prohibition, and also for the forfeiture and sale of animals impounded, to pay the expense of taking up, caring for and selling the same, including cost of advertising and fees of officers.

*Inspection of
steam boilers
and plumbing.*

Sec. 35. The mayor and council shall have power to provide for the inspection of steam boilers, pipe fittings and plumbings, and to appoint inspectors

except as herein specially provided, and to declare their powers and duties.

SEC. 36. The mayor and council shall have power to prescribe fire limits and regulate the erection of all buildings and other structures within the corporate limits, and provide for the removal of any building or structure or addition thereto, erected contrary to such regulations, also provide for the removal of dangerous buildings and provide that wooden buildings shall not be erected, or placed or repaired in the fire limits without permission, and to direct that all and any buildings within such fire limits, when the same shall have been damaged by fire, decay or otherwise, to the extent of 50 per cent. of the value of a similar new building above the foundation, shall be torn down or removed, and to prescribe the manner of ascertaining such damages and to assess the cost of removal of any building erected or existing contrary to such regulations or provisions, against the lot or real estate upon which such building or structure is located or shall be erected, or such cost may be collected from the owner of any such building or structure and be enforced by civil action in any court of competent jurisdiction.

Define fire limits, regulate erection of buildings.

Remove and condemn dangerous buildings.

SEC. 37. The mayor and council shall have power to regulate the construction, use and maintenance of party walls, and to prescribe and regulate the thickness, strength and manner of constructing stone, brick, wood or other buildings, the size and shape of brick and other material placed therein, and to prescribe and

Regulate the construction of buildings, material.

Regulates shutters, doors, elevators, plumbing, sewerage.

regulate the construction, and arrangement of fire escapes and placing of iron and metallic shutters and doors therein and thereon, and to provide for the inspection of elevators and for the protection of elevator and hoist-way openings to avoid accident ; to prescribe, regulate and provide for the inspection of all plumbing, pipe fitting or sewer connectings in all houses or buildings now or hereafter erected ; to regulate the size, number and manner of construction of halls, doors, stairways, seats, aisles and passageways of theatres, tenement houses, audience rooms, and all buildings of a public character, whether now built or hereafter to be built, so that there may be convenient, safe and speedy exit in case of fire ; to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and heating appliances, used in or about any buildings or manufactory, and to cause same to be removed or placed in safe condition where same are considered dangerous ; to regulate and prevent the carrying on of manufactures dangerous in causing and promoting fires ; to prevent the deposit of ashes in unsafe places, and to cause all buildings and enclosures as may be in a dangerous state to be put in a safe condition ; to prevent the disposing of and delivery or use in any building or other structure, of soft, shelly and imperfectly burned brick or other unsuitable building material within the city limits, and providing for the inspection of the same ; to provide for the abatement of dense volumes of smoke ; to regulate the construction of areaways, stairways, and vaults, and to regulate partition fences.

Theaters and public buildings: chimneys and heating apparatus.

Dangerous buildings.

Improper building material.

Smoke nuisance, stairways, etc.

SEC. 38. The mayor and council shall have power to regulate the transportation of articles through the streets, and to prevent injuries to the streets from overloaded vehicles, and to prescribe the width of tires for wagons used on paved streets. Regulate street traffic.

SEC. 39. The mayor and council shall have power to prevent or regulate the rolling of hoops, playing of ball, flying of kites, the riding of bicycles or tricycles, or any other amusement or practice having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams or horses. Regulate street amusements.

SEC. 40. The mayor and council shall have power to provide for keeping sidewalks clean and free from obstructions and accumulations, and may provide for the assessment and collection of taxes on real estate, and for the sale and conveyance thereof to pay the expenses of keeping the sidewalk adjacent to such real estate clean and free from obstructions and accumulations as herein provided. Cleaning and care of sidewalks.

SEC. 41. The mayor and council shall have power to regulate the weighing and measuring of hay, wood and other articles exposed for sale, and of all coal sold or delivered within the city, and to provide for, license and regulate the inspection and sale of meats, flour, poultry, fish, milk, vegetables and all other provisions or articles of food exposed or offered for sale in the city, and to prescribe the weight and quality of bread exposed or offered for sale in the loaf. Regulate sale of articles.
Inspection articles food.

Combustible
and explosive
articles.

SEC. 42. The mayor and council shall have power to regulate or prohibit the transportation and keeping of gunpowder, oils and other combustible and explosive articles.

Regulate auc-
tion sales.

SEC. 43. The mayor and council shall have power to regulate, license or prohibit the sale of domestic animals, or of goods, wares and merchandise at public auction on the streets, alleys and highways, or any public ground within the city.

Cemeteries,
births, deaths,
register, etc.

SEC. 44. The mayor and council shall have power to prohibit the establishment of additional cemeteries within the limits of the city, and to regulate the registration of births and deaths; to direct the keeping and returning of bills of mortality, and impose penalties on physicians, sextons and others for any default in the premises.

Depots, steam,
cable and horse
cars.

SEC. 45. The mayor and council shall have power to regulate levees, depots and depot grounds, and places for storing freights and goods, and to provide for and regulate the laying of tracks and the passage of steam, cable, horse or other railways through the streets, alleys and public grounds of the city.

Regulate run-
ning of trains,
crossing of
tracks, etc.

SEC. 46. The mayor and council shall have power to regulate the crossing of railway tracks; to regulate the running of railway engines, cars and trucks within the limits of the city, and to make other and further rules and restrictions to prevent accidents at crossings and on the tracks of railroads, and to prevent fires from engines; also to regulate and prescribe the time

and manner of running street cars within the city, and require the heating and cleaning of such cars, and to fix and determine the fare to be charged.

SEC. 47. The mayor and council shall have power ^{Lighting of railways.} to require the lighting of any railway within the city, the cars of which are propelled by steam, in such manner as they shall prescribe, and may fix and determine the number, size and style of the lamp-posts, burners, lamps, and all other fixtures and apparatus necessary for such lighting, and the points of location for such lamp posts, and in case the company owning or operating such railways shall fail to comply with such requirement, the council may cause the same to be done and may assess the expense thereof against such company, and the same shall constitute a lien upon any real estate belonging to such company and lying within such city, and may be collected in the same manner as taxes for general purposes.

SEC. 48. The mayor and council shall have power ^{Viaducts, construction and repair.} to require any railway company or companies owning or operating any railway track or tracks upon or across any public street or streets of the city, to erect, construct, reconstruct, complete and keep in repair any viaduct or viaducts upon or along such street or streets and over or under such track or tracks, including the approaches to such viaduct or viaducts, as may be deemed and declared by the mayor and council necessary for the safety and protection of the public. Whenever any such viaduct shall be deemed and declared by ordinance necessary for the safety and protection of the

public, the mayor and council shall provide for appraising, assessing and determining the damage, if any, which may be caused to any property by reason of the construction of such viaduct and its approaches. The proceedings for such purpose shall be the same as provided herein for the purpose of determining damages to property owners by reason of the grading of a street, and such damages shall be paid by the city, and may be assessed by the city council against property benefited. The width, height and strength of any such viaduct and approaches thereto, the material therefor, and the manner of construction thereof, shall be as required by the board of public works, as may be approved by the mayor and council. When two or more railroad companies own or operate separate lines of track to be crossed by any such viaduct, the proportion thereof, and of the approaches thereto, to be constructed by each, or the cost to be borne by each, shall be determined by the mayor and council. It shall be the duty of any railroad company or companies upon being required as herein provided to erect, construct, reconstruct, or repair any viaduct, to proceed within the time and in the manner required by the mayor and council, to erect, construct, reconstruct or repair the same, and it shall be a misdemeanor for any railroad company or companies to fail, neglect or refuse to perform such duty, and upon conviction any such company or companies shall be fined one hundred dollars (\$100.00), and each day any such company or companies shall fail, neglect or refuse to perform such duty shall be deemed and held to be a separate and dis-

Damages to
adjoining prop-
erty.

Size, material,
etc.

Expense of
construction to
be borne by
railroad com-
panies.

Misdemeanor
to refuse to
construct via-
duct when or-
dered.

tinct offense, and in addition to the penalty herein provided any such company or companies shall be compelled by mandamus or other appropriate proceedings to erect, construct, reconstruct or repair any viaduct as may be required by ordinance as herein provided. The mayor and council shall also have power whenever any railroad company or companies shall fail, neglect or refuse to erect, construct, reconstruct or repair any viaduct or viaducts after having been required so to do as herein provided, to proceed with the erection, construction, reconstruction or repair of such viaduct or viaducts by contract or in such other manner as may be provided by ordinance, and assess the costs of the erection, construction, reconstruction or repair of such viaduct or viaducts against the property of the railroad company or companies required to erect, construct, reconstruct or repair the same, and such cost shall be a valid and subsisting lien against such property and shall also be a legal indebtedness of said company or companies in favor of such city, and may be enforced and collected by suit in the proper court.

Mandamus.

City may construct and charge to railroad companies.

SEC. 49. The mayor and council shall have power to construct any bridge declared by ordinance necessary and proper for the passage of railway trains, street cars or motor trains, or teams and pedestrians across any stream either adjacent to or wholly within any city of the metropolitan class at any point on such stream or within two miles from the corporate limits of such city, with such conditions and regulations concerning the use of such bridge as may be

Toll bridges.

deemed proper, and shall have power to license and regulate the keeping of toll bridges within or terminating within the city for the passage of persons, teams and property over any river passing wholly or in part within or running by and adjoining the corporate limits of any such city; to fix and determine the rates of toll over any such bridge, or over the part thereof within the city, and to authorize the owner or owners of any such bridge to charge and collect the rates of toll so fixed and determined, from all persons passing over or using the same.

Lighting of
streets. Regu-
late telephone
service.

SEC. 50. The mayor and council shall have power to regulate and provide for the lighting of streets, laying down gas pipes and erection of lamp posts, electric towers or other apparatus, and to regulate the sale and use of gas and electric lights, and fix and determine the price of gas, the charge of electric light, and the rent of gas meters within the city, and regulate the inspection thereof, and to regulate telephone service and the use of telephones within the city, and to fix and determine the charges for telephones and telephone service connections; and to prohibit or regulate the erection of telegraph, telephone, or electric wire poles, or other poles for whatsoever purpose desired or used in the public grounds, streets or alleys and the placing of wires thereon, and to require the removal from the public grounds, streets or alleys of any or all such poles, and require the removal and placing underground of any or all telegraph, telephone or electric wires.

Regulate and
remove poles.

SEC. 51. The mayor and council shall have power to appropriate money and provide for the payment of the debts and expenses of the city. Debts and expenses.

Section 52. Repealed.

Section 53. Repealed.

SEC. 54. The mayor and council shall have power to provide for the planting and protection of shade or ornamental and useful trees, and for the protection of birds, their nests and eggs. Shade trees, protection of birds.

SEC. 55. The mayor and council shall have power to erect, designate, establish, maintain and regulate hospitals, or work-houses, houses of correction, jails, station houses, and other necessary buildings. Hospitals, jails and work-houses.

SEC. 56. The mayor and council shall have power to provide for, regulate and require the numbering or renumbering of houses along public streets or avenues; to care for and control, to name and re-name streets, avenues, parks and squares within the city; to provide for the opening, vacating, widening and narrowing of streets, avenues and alleys within the city, under such restrictions and regulations as may be provided by law. No. houses, vacate, narrow, widen streets, etc.
Provided, That no street or avenue shall be narrowed to a width of less than sixty-six feet, except on petition of two-thirds of the owners of the lots and real estate along that portion of the street or avenue narrowed.

SEC. 57. The mayor and council shall have power to regulate and prevent the use of streets, sidewalks Regulate signs, awnings.

and public grounds for signs, sign posts, awnings, awning posts, scales or other like purposes; to regulate and prohibit the exhibition or carrying or conveying of banners, placards, advertisements or the distribution or posting of advertisements or handbills in the streets or public grounds, or upon the sidewalks.

Inspection
weights and
measures.

SEC. 58. The mayor and council shall have power to provide for the inspection of weights and measures, and prohibit the use of any imperfect weights or measures or weighing apparatus.

Art galleries,
libraries, read-
ing rooms.

SEC. 59. The mayor and council shall have power to establish and maintain public libraries, reading rooms, art galleries, and museums, and to provide the necessary grounds or buildings therefor; to purchase books, papers, maps, manuscripts and works of art, and objects of natural or scientific curiosity and instruction therefor, and to receive donations and bequests of money or property for the same in trust or otherwise. They may also pass necessary by-laws and regulations for the protection and government of the same.

Create sewer
districts, con-
struct and re-
pair same.

SEC. 60. The mayor and council shall have power to lay off the city, or parts thereof, into suitable districts for the purpose of establishing a system of sewerage and drainage; to provide such system and regulate the construction and repairs and use of sewers and drains, and of all proper house construction and branches, and provide penalties for any obstruction of, or injury to any sewer or part thereof, and to require and compel sewer connections to be made.

SEC. 61. The mayor and council shall have power to erect, construct, purchase, maintain and operate subways or conduits, water works, gas works and electric light plants, either within or without the corporate limits of the city, and shall have power to fix, charge and collect a rental or compensation for the use of subways or conduits and of water, gas or electric lights furnished consumers, and to make all needful rules and regulations concerning the use of such subways, conduits, water, gas or electric lights, and to do all acts necessary for the construction, completion, management and control of the same, including the appropriation of private property for the public use in the construction and operation of the same, compensation for such appropriation to be made as is provided by this act and the mayor and council of each city created or governed by this act shall have power to provide by ordinance or contract with any competent party for the supplying and furnishing of water, gas or electric light, or electric power to the public or private consumers within such city, and the rates, terms and conditions upon which the same may and shall be supplied and furnished during the period named in the ordinance or contract.

Erect and maintain water works.

Gas works and electric light works, subways.

City may furnish water and gas to consumers.

SEC. 62. The mayor and council shall have power to erect and establish market houses, and make market places and to provide for the erection of all other useful and necessary buildings for the use of the city and for the protection and safety of all property owned by the city, and they may locate such market houses and market places, and buildings aforesaid, on any street,

Erect and maintain market houses.

alley or public grounds, or on any land purchased for such purpose; to provide for the safety and protection of private property where damages are likely to occur by the action of the elements or through the carelessness or negligence of any servant or officer of the city, and to establish, alter and change the channels of streams and water courses within the city and bridge the same.

Change channels, streams and water courses.

Improvement costing over \$20,000 to be submitted to voters.

Provided, That any such improvement costing in the aggregate a sum greater than twenty thousand dollars, shall not be authorized until the ordinance providing therefor shall be first submitted to and ratified by a majority of the legal voters of such city voting thereon.

Census.

SEC. 63. The mayor and council shall have power to provide for and cause to be taken an enumeration of the inhabitants of the city.

Right of eminent domain.

SEC. 64. The mayor and council shall have power to appropriate private property for the use of the city for streets, alleys, avenues, parks, parkways or boulevards, sewers, public squares, market places, gas works, electric light plants, or water works, including mains, pipe lines and settling basins therefor; the right and power to appropriate private property for sewers, parks, parkways, or boulevards, electric light plants and water works to extend to a distance of ten miles from the corporate limits of the city. All cities of the metropolitan class and all other corporations exercising the right of eminent domain within the corporate limits of such cities, upon condemning private property, under such authority, shall cause to be recorded an accurate

plat and a clear, definite description of the property so taken, in the office of the register of deeds of the county within which such city is located within thirty days after the other legal steps for the acquisition of such title shall have been taken.

SEC. 65. The mayor and council shall have the power to tax, license and regulate pawnbrokers; auctioneers, employment agencies, commission merchants, brokers, insurance officers, insurance agents, surveyors, engineers, architects, house movers, runners, hawkers, peddlers, telegraph, telephone or express interest or business, coal dealers, and also such kind of business or vocation as the public good may require, and the mayor and council shall also have the power to tax, license and regulate sales of bankrupt stocks of goods, and the selling or contracting for sale of any goods, wares or merchandise by sample, when such goods, wares or merchandise are thereafter to be sent or delivered to the purchaser. The mayor and council shall also have power to levy and collect a license tax on shows, caravans, circuses and exhibitions for pay; billiard tables, ball and ten pin alleys without regard to the number of pins used; hacks, drays or other vehicles, used for pay within the city and may prescribe the compensation for the use of such hacks, drays and other vehicles.

Tax, license
and regulate
business, enter-
tainments, etc.

SEC. 66. The mayor and council are hereby authorized and empowered to issue bonds of the city with interest coupons annexed in such amounts and for such a length of time as they may deem proper, the rate of

Sewer fund-
ing, city hall,
public works,
park and other
bonds, may is-
sue.

interest not to exceed five (5) per cent. per annum except as otherwise in this act provided, for the construction and maintenance of sewers, for the construction and maintenance of sub-ways or conduits, or in renewal of outstanding bonds of said city, or for the purpose of funding, taking up and making payment of the floating indebtedness and liabilities of the city, or for the construction of a city hall or other needful buildings for the use of the city, or for the construction of any bridge, or for the appropriation or purchase of gas works, water works, electric light plants, or land therefor, or land for public parks, parkways or boulevards; all such bonds shall express upon their face the purpose for which they were issued.

Limitation of
bonded indebtedness.

Provided, The bonded indebtedness of the city, exclusive of district paving bonds, district grading bonds, curbing and guttering bonds, district street improvement bonds, public library building bonds, or bonds issued for the erection of a city hall, or fire engine houses, or the construction of bridges, or for the construction and maintenance of subways and conduits, and bonds issued for park purposes, or for the purchase or appropriation of gas works, water works, or electric light plants, shall not at any time exceed in the aggregate ten (10) per centum of the assessed valuation of the taxable property in the city.

Conditions
for issuing
bonds.

Provided, further, no bonds shall hereafter be issued except such renewal bonds, district street improvement bonds, district grading bonds, or bonds for the construction of bridges, or for the construction and main-

tenance of subways or conduits, or bonds for the purchase or appropriation of gas works, water works, electric light plants, or land therefor, or land for public parks, parkways or boulevards, in excess of two hundred thousand dollars (\$200,000) in any one year, and no bonds, except district grading or district street improvement bonds, shall be issued until the legal electors of said city shall have authorized the same by a vote of two-thirds of all the electors voting on such proposition at a general annual or special election of said city, called after twenty days' public notice, stating distinctly the amount and the purpose for which they are to be issued, which bonds or the proceeds from the sale thereof shall not be diverted from the purpose for which they were issued, and shall not be disposed of at less than par.

Bond elections, conditions for.

SEC. 67. The sinking fund, to redeem at maturity the bonded indebtedness of the city, may be used to purchase such bonds, before maturity, on such terms and in such manner as may be prescribed by ordinance.

May purchase bonds from sinking fund.

Provided, That bondholders shall be given an opportunity to compete for the sale of bonds held by them, and the bonds that can be purchased upon the most favorable terms shall be preferred.

Holders may compete,

SEC. 68. The mayor and council shall have power to create a board to be known as commissioners of adjustment, to be composed of the city engineer and two resident free-holders, who shall as soon as practicable,

Board of commissioners of adjustment.

May appraise
damages.

cause to be surveyed, in sections or districts, all lots, blocks, streets, alleys and public grounds within any city of the metropolitan class, not surveyed and platted with fixed monuments and recorded, and such additions within the incorporated limits of such city where discrepancies or uncertainties may exist as to the lines of the streets, alleys, lots or blocks in such additions, and to make maps of their surveys in sections or districts, showing thereon the width of every street and alley and the extent of all squares, parks and public grounds within such section or district; and to fix monuments as may be necessary for the preservation of all lines so established. Said commissioners shall also constitute a board of appraisers, who shall appraise all damages sustained by the adoption of such lines and plats, and shall submit a list of such damages to the mayor and city council for their approval or modification, and who shall tender the amount of damages so approved to the party or parties entitled to the same before the final passage of any ordinance affecting the same, and attach a record of such action to the documents filed with the county clerk; and any person feeling aggrieved by the award of damages may appeal therefrom to the district court within sixty days after approval or modification by the mayor and council.

Said commissioners having completed their survey, maps and profiles of any specific district, shall deliver the same with a written report to the clerk of the city, who thereupon shall publish a notice for three weeks in the official paper of the city, stating that such report has been made and that the same, with

maps, is open to public inspection in the office of the city engineer, where the same shall be kept during the publication of said notice. Any property owner or other person interested who shall be dissatisfied with such survey and plats thereof, may, at any time, within three months after publication of said notice, file with the clerk of the city, objections thereto in writing, stating specifically the grounds and reasons of such objections. After the expiration of such time, in case such objections are so filed, said clerk shall cause said maps, with the written objections thereto, to be returned to said commissioners, who may, after duly considering such objections, modify their report, if they deem proper. In case no written objections are so filed, or being filed and having been considered by said commissioners, the said maps and reports shall be submitted to the common council, who shall fix a time and publish a notice thereof in the official paper, and they may hear at such time any objections to said maps and reports, and change the same as they may deem just and proper, and when the same shall have been made satisfactory to the council, such reports as modified shall be adopted by ordinance in due form, and the council shall cause a copy thereof, with such maps and reports, to be filed with the county clerk of the county in which said city is located and he shall record the same as instruments of real estate are required to be recorded, and afterward said maps and surveys shall stand as the legal and valid plat of said city, or part thereof, to determine all lines of lots, blocks, streets, alleys, and public grounds in the parts of said city so sur-

Property owners may object.

Mayor appoint
commissioners

veyed. The report of said board herein referred to shall be construed to mean a report of a majority of said commissioners. The said commissioners shall be appointed by the mayor, subject to the approval of the city council, and in case of a vacancy happening in said board by death, resignation or otherwise, the vacancy shall be filled in like manner. And the mayor and council may by ordinance provide for the preservation and protection of said monuments and the punishment of any person or persons removing the same or interfering therewith.

May open,
extend, etc.,
streets.

SEC. 69. The mayor and council shall have power to open, extend, widen, narrow, grade, curb and gutter, park, beautify or otherwise improve and keep in good repair or cause the same to be done in any manner they may deem proper, any street, avenue, or alley within the limits of the city, and may grade partially or to the established grade or park, or otherwise improve any width or part of any such street, avenue, or alley, and may also construct and repair, or cause and compel the construction and repair of sidewalks in such city of such material, and in such manner as they may deem proper and necessary, and to defray the cost and expense of improvements or any of them, the mayor and council of such city shall have power and authority to levy and collect special taxes and assessments upon the lots and pieces of ground adjacent to or abutting upon the street, avenue, alley or sidewalk, thus in whole or in part opened, widened, curbed, and guttered, graded, parked, extended, constructed or otherwise im-

May levy and
assess special
taxes to cover
improvement.

proved or repaired, or which may be especially benefitted by any of said improvements;

Provided, That the above provisions shall not apply to ordinary repairs of streets or alleys and one-half of the expense of bringing streets, avenues, alleys or parts thereof to the established grade shall be paid out of the general fund of the city except as otherwise hereinafter provided.

One-half expense for grading may be paid out of general fund.

Provided, That where any street is to be graded under the provisions provided by this section, but not to the established grade, it shall be done only after the owners representing the majority of the front feet of the property, abutting on the part of such street to be so partially graded, shall have petitioned the city council for such work to be done.

Street shall be partially graded, when.

Provided, further, That whenever the owners of the lots abutting upon any street or alley or part thereof, within said city, representing three-fifths (3-5) of the feet front abutting upon such street or alley, desire to be graded, shall petition the council to grade such street or alley or part thereof without charge to the city, the mayor and council may order the grading done and assess the cost thereof against the property abutting upon such street or alley, or such part thereof so graded. The total cost of such grading shall be levied and collected in a single payment upon the completion of such work; or upon petition of not less than three-fifths (3-5) of the feet front along the street or alley so graded, the cost may be made payable in ten (10) equal installments, extending over a period of nine years, in the same manner, at

3-5 feet front petition for and procure grading.

Such grading how paid, installment, etc.

the same rate, and subject to the same conditions as are payments for paving, curbing, guttering and like improvements hereinafter specified. In case of such installment payments, the mayor and council shall, by ordinance, create districts embracing the property represented by such petition and abutting on which said grading was done, to be known as Grading Districts, and numbered consecutively, and for the purpose of paying the cost of such grading within such district, pending payment of the installments herein provided, the mayor and council are hereby authorized and empowered, by ordinance, to issue bonds to be called Grading Bonds No....., to run for the same time, to bear the same rate of interest and be subject to the same and all conditions of sale, use, protection, charge, lien and liquidation for grading purposes, as is hereinafter provided for "District Street Improvement Bonds" issued to cover the cost of paving, curbing and like improvements.

May issue
grading bonds.

Partial grade,
plank side-
walk only.

Provided, further, That in case the grade of any street or part of street used by the public, shall not have been established, or in case any street or part thereof shall not have been worked to grade, then, and in such case, the owner or owners of any lot or lots or lands abutting on such streets or portions of streets as aforesaid, shall only be required to construct or repair the sidewalks along such street or part thereof with plank as the council may direct in such case; and

Property
owner liable for
defective side-
walk, when.

Provided, further, That in case the owner or owners of any such lot, lots or lands abutting on such street

or portion thereof, shall fail to construct or repair such sidewalks in the manner and within the time as directed and required by the council in each case after having received due notice to do so, they shall be liable for all damages or injuries occasioned by reason of the defective or dangerous condition of any such sidewalks; and

Provided, further, That curbing or guttering shall not be ordered or required to be laid on any street, avenue or alley not ordered to be paved, except on the petition of a majority of the owners of the property abutting along the line of that portion of the street, avenue or alley to be curbed and guttered. The mayor and council shall have power to improve any street or alley or part thereof in the city, and for that purpose to create suitable street improvement districts, which shall be consecutively numbered. Such work to be done under contract, and under the superintendent of the board of public works of the city.

Curbing and guttering on unpaved street, when.

Said improvement shall consist of paving, repaving, or macadamizing as well as curbing, if such are necessary, on any street or alley ordered by the mayor and council;

Street improvement, districts created.

Provided, That before any improving shall be done upon any street, alley or avenue, in which there are gas or water mains laid or to be laid, or sewers constructed or to be constructed, the mayor and city council shall cause all gas, water or sewer connections to be made as hereinafter provided. Whenever the owner of the lots or lands abutting upon the streets or alleys within the street improvement district, representing a

Gas, water and sewer connections made before improving.

Paving material selected by property owners, how.

majority of the feet frontage thereon, shall petition the council to improve such streets or alleys, it shall be the duty of the mayor and council to improve the same, and in all cases of paving, repaving or macadamizing there shall be used such material as such majority of the owners shall determine upon;

Cost of improving assessed on abutting property.

Provided, The council shall be notified in writing by said owner, of such determination within thirty days next after the passage and approval of the ordinance ordering such improving. In case such owners fail to designate the material they desire to use in such improving in manner and within the time above provided, the mayor and council shall determine upon the material to be used. The cost of improving the streets and alleys within any improvement district, except the paving of intersection of streets and space opposite alleys within such district, shall be assessed upon the lots and lands abutting upon the streets and alleys in such district, in proportion to the feet front so abutting upon such streets and alleys. The assessments of special taxes for improvement purposes herein provided for shall be made as follows: the total cost of the improvements shall be levied at one time upon the property and become delinquent as herein provided; one-tenth (1-10) of the total amount shall be delinquent in fifty days after such levy, one-tenth (1-10) in one year, one-tenth (1-10) in two years, one-tenth (1-10) in three years, one-tenth (1-10) in four years, one-tenth (1-10) in five years, one-tenth (1-10) in six years, one-tenth (1-10) in seven years, one-tenth (1-10) in eight years, one-tenth (1-10) in nine years; each of

Special tax, how assessed and paid.

said installments, except the first, shall draw interest at the rate of six per cent, per annum from the time of levy aforesaid, until the same shall become delinquent, and after the same shall become delinquent interest at the rate of one (1) per cent. per month, payable in advance, shall be paid thereon as in the case of other special taxes. Such taxes shall be collected and enforced as in other cases of special taxes. In all cases of special taxes, the city treasurer shall have the right and authority, after the same or any part thereof shall have become delinquent, to seize personal property of the party who owns the real estate upon which such taxes have been levied, and to sell such personal property for the satisfaction of such taxes, upon the same advertisement, and in the same manner that constables are now authorized by law to seize and sell personal property upon execution; but failure to seize and sell personal property shall in no wise affect the lien of the tax, or any proceedings authorized by law to enforce the tax. In cases of omission, errors or mistake in making such assessment or levy in respect to the total cost of the improvements, or deficiencies, or otherwise it shall be competent for the council to make a supplemental assessment and levy to supply such deficiencies and omission, errors or mistakes. The cost of paving, macadamizing or repaving the intersections of streets and space opposite alleys in any paving district, shall be paid by the city as hereinafter provided; but nothing herein contained shall be construed to exempt any street railway company from keeping every portion of every street and

Rate of interest, penalty.

Special taxes, how collected and enforced.

Intersections of streets and alleys, paid by city.

Street car
tracks, how
placed and
maintained.

alley used by it, upon or across which its track shall be constructed at or near the grade of such streets in good and safe condition for public travel, and shall keep the same plank paved, macadamized or otherwise in such condition for public travel as the city council of such city may from time to time direct, keeping the plank pavement or other surface of the street or alley level with the top of the rails of the track of such street railway. For the purpose of paying, the cost of improving the streets and alleys in any improvement district, exclusive of the intersections of streets and space opposite alleys therein, except as hereinafter provided, the mayor and council shall have power, and may by ordinance cause to be issued bonds of the city,

May issue dis-
trict improve-
ment bonds.

to be called "District Street Improvement Bonds" of District No., payable in not exceeding ten (10) years from date, and to bear interest payable annually, not exceeding the rate of six (6) per cent. per annum, with interest coupons attached, and in such case, shall also provide that said special taxes and assessments shall constitute a sinking fund for the payment of said bonds and interest; provided, that the entire cost of improving any such streets or alleys property chargeable to any lots or lands within any such paving district, according to the front feet thereof, may be paid by the owner of such lots or lands within fifty (50) days from the levy of such special taxes, and thereupon such lots or lands shall be exempt from any lien or charge therefor; and,

Payment of
tax within 50
days of levy,
exempts prop-
erty from lien.

3-5 frontage.
property may
procure im-
provements,
conditions, etc.

Provided further, That whenever the property owners representing three-fifths (3-5) of the feet frontage of

lots or lands upon any street or alley or part thereof, shall petition the city council to create an improvement district, including street and alley intersections, if any, and to have the same improved without cost to the city, then, and in that case the council shall have power to create such district and cause a contract to be made for such improvement and to assess and levy a special tax upon all lots or lands within such improvement district so created, to pay for the said improvement, within the same, including the intersection of streets and alleys, if any. Whenever the mayor and council deem it expedient, they shall have power for the purpose of paying the cost of paving, repaving or macadamizing the intersection of streets and spaces opposite alleys in the city, issue bonds of the city, to run not more than twenty years, and to bear interest payable semi-annually, at a rate of not exceeding six (6) per cent. per annum, with coupons attached, to be called "Paving Bonds," and which shall not be sold for less than par, and the proceeds of which shall be used for no other purpose than paying the cost of paving, repaving or macadamizing the intersections of streets and alleys in the city; *Provided*, that the aggregate amount of such bonds issued in any one year shall not exceed the sum of one hundred thousand dollars (\$100,000); and,

May issue paving and repaving bonds.

Amount bonds issued in one year.

Provided further, That no such bonds shall be issued until the question of issuing the same had been submitted to the electors of the city at a general or special election therein, and authorized by a vote of two-thirds of the electors voting on such question at such elec-

tion. If in any city of the metropolitan class there shall be any real estate not subject to assessment of special taxes for paving purposes, the mayor and council shall have the power to pave in front of the same, and to pay the cost thereof that would otherwise be chargeable on such real estate, in the same manner as herein provided for the paving of intersection of streets and paying therefor. The word "lot" as in this act used shall be taken to mean a lot as described and designated upon the recorded plat of any such city, and in case there is no recorded plat of any such city, it shall mean a lot as described and designated upon any generally recognized map of such city. The word "lands" shall mean any unsubdivided real estate. The word "street" shall be deemed to include boulevard.

Meaning of
"lot" as used
in this act.

Depth to
which real es-
tate assessed.

Provided, That if the lots and real estate abutting upon that part of the street ordered improved, as shown upon any such recorded plat or map are not of uniform depth, or if for any other reason it shall appear just and proper to the mayor and council, the mayor and council are authorized and empowered to determine and establish the depth to which the real estate shall be charged and assessed with the cost of the improvement, which shall be determined and established according to the benefits accruing to the property by reason of the improvements. Real estate may be so charged and assessed to a greater depth than the depth of the lots as shown upon any such plat or map. The mayor and council may, in their discretion, include all the real estate to be charged and assessed with the

cost of such improvement, in the improvement districts in this section hereinbefore provided for; but are not required so to do; and the mayor and council may, in their discretion, in determining whether the requisite majority of the owners who are hereinbefore authorized to petition for improving, and to determine the kind of material to be used therefore have joined in such petition and determination, consider and take into account all of the owners of all real estate to be charged and assessed with the cost of improvement, or only such as own real estate that in fact abuts upon the part of the street proposed to be improved. In cases where paving has been already done in whole or part, or contracts have been let therefor under existing laws, in case the lots and real estate abutting upon that part of the street ordered paved, as shown upon any such plat or map, are not of uniform depth as well as in all cases where, in the discretion of the mayor and council, it is just and proper so to do, the mayor and council shall have the right and authority to fix and determine the depth to which real estate shall be charged and assessed with the cost of such improvement, without regard to the line of such lots, the same to be fixed and determined upon the basis of benefits accruing to the real estate by reason of such improvement. Where such improvements have already commenced, or contracts therefor have been entered into under any ordinance passed upon a petition of property owners, as well as the cases where the material to be used for such improvements has been ordered in accordance with the determination of property owners, such petition and determination

Discretion of
mayor and
council in im-
posing tax.

May consider
benefits.

shall be deemed and taken as sufficient compliance with the law, if the requisite number of owners of real estate which in fact abuts upon the part of the street ordered to be so improved, have joined therein. The provisions of this section in regard to the depth to which real estate may be charged and assessed, shall apply to all special taxes that may be levied, except for sidewalks in proportion to the front feet, in cities of the metropolitan class. No court shall entertain any complaint that the party was authorized to make, and did not make to the city council sitting as a board of equalization, nor any complaint not specified in said notice, fully enough to advise the city of the exact nature thereof; nor any complaint that does not go to the ground work, equity and justice of the tax. The burden of proof to show such a tax or part thereof, invalid, inequitable or unjust, shall rest upon the party who brings such suit.

Court not entertain complaint, unless under certain conditions.

May levy and collect special tax for street repair.

Provided, Whenever the mayor and council shall enter into or shall have entered into a contract with any paving contractor to keep the pavement in any paving or street improvement district in repair for a term of years for a specified price per year, said mayor and council shall have the power and it shall be their duty to levy annually a special tax and assessment upon all the property in the paving or street improvement district to cover the cost of said repairs. Such special tax shall be levied and collected as in other cases of special taxes.

Street railway companies pave and repave between and outside of tracks.

SEC. 70. All horse, cable, steam, electric or other railway companies now existing or hereafter created in

cities of the metropolitan class, already incorporated or hereafter organized, shall be required to pave or repave at their own cost all the space between their rails, and the tracks herein referred to shall include not only the main tracks, but also side tracks, crossings and turnouts used by such companies, and when two or more companies occupy the same street or alley with separate tracks, then each company shall be responsible for the proportion of the street or alley occupied by all the parallel tracks as herein required. Said paving or repaving by the said railway companies shall be done at the same time, and shall be of the same material and character as the paving or repaving of the streets or alleys upon which said railway track or tracks is located, unless other material be specially ordered by the board of public works. Whenever a majority per front foot of the property owners abutting upon any street or part of a street shall petition the mayor and council in writing, requesting an extension of any horse, cable, electric or other street railway to be constructed upon such street or part of a street, and in such petition waive the obligation of the street railway company to pave between the rails and tracks, then the street railway company may construct a line of street railway along said street, covered by said petition, and shall not be required to pave between its rails and tracks, but such paving shall be done by the city and paid for by taxation upon the abutting property as other paving is done by the city.

Exception as to paving by street railway companies.

Provided, Such railway companies shall be required to keep that portion of the street which they

Street railway tracks to be kept in repair.

Street railway
companies lia-
ble for injury
to persons and
property.

are herein required to pave and repave in good and proper repair, using for said purpose the same material as the street upon which the track or tracks are laid at the point of repair, or such other material as the board of public works may require and order; and as streets are hereafter paved or repaved, street railway companies shall be required to lay in the most approved manner a flat rail, to be approved by the board of public works. The track of all railway companies when located upon the streets or avenues of the city, shall be kept in repair and safe in all respects for the use of the traveling public, and said companies shall be liable for all damages resulting by reason of neglect to keep such tracks in repair, or for obstructing the streets or avenues of any such city; for injuries to persons or property arising from the failure of such company to keep their tracks in proper repair and free from obstructions, such companies shall be liable, and the city shall be exempt from liability. The word "companies" as used in this act shall be taken to mean and include any persons, companies, corporations or associations owning any street or other railway in any such city.

Proceedings
in case of re-
fusal of com-
panies to pave.

SEC. 71. In the event of the refusal of such companies to pave, repave or repair as required in the foregoing sections, when so directed by the mayor and council, upon the paving or repaving of any street upon which their track is laid, the mayor and council shall have power to pave, repave or repair the same and the cost and expense of such paving, repav-

ing or repairing may be collected by levy and sale of any real or personal property of said street railway company, the same as special taxes are collected. Special taxes for the purpose of paying the cost of any such paving or repaving, macadamizing or repairing of any such street railway, may be levied upon the track, including the ties, iron, roadbed and right-of-way, side tracks, and appurtenances, including buildings and real estate belonging to any such company or person and used for the purpose of such street railway business all as one property; or upon such parts of such track, appurtenances and property as may be within the district paved, repaved, macadamized or repaired, or any part thereof, and shall be a lien upon the property upon which levied from the time of the levy until satisfied. No mortgage, conveyance, pledge, transfer, or incumbrance of any such property of any such company or person, or any of its rolling stock or personal property created or suffered by a company or party, after the time when any street or part thereof upon which any street railway shall have been laid, shall have been ordered paved, repaved, macadamized or repaired, shall be made or suffered except subject to the actual or prospective lien of such special taxes, whether actually levied or not, if such levy be in contemplation. The city treasurer shall have the power and authority to seize any personal property belonging to any such person or company for the satisfaction of any such special taxes when delinquent, and to sell the same upon advertisement and in the same manner as constables are now authorized to sell personal property upon exe-

Special taxes
levied against
property to pay

City treasurer
may enforce
tax, how.

cution at law ; but failure so to do, shall in no wise effect or impair the lien of the tax or any proceeding allowed by law, for the enforcement thereof. The railroad track or any other property upon which such special taxes shall be levied, or so much thereof as may be necessary, may be sold for the payment of such special taxes in the same manner and with the same effect as real estate upon which such special taxes may be levied, may be sold.

May bring
civil action to
recover tax.

It shall also be competent for any such city to bring a civil action against any party owing or operating any such street railway, and liable to pay said taxes, to recover the amount thereof, or any part thereof delinquent and unpaid, in any court having jurisdiction of the amount, and obtain judgment, and have the execution therefor, and no property, real or personal, shall be exempt from any such execution.

What defense
against tax.

Provided, That real estate shall not be levied upon by execution except by execution out of the district court on a judgment therein, or transcript of judgment filed therein, as now provided by law. No property seized by the city treasurer as hereinbefore provided, or upon any such execution, shall be taken from the officer holding the same on any order of replevin. No defense shall be allowed in any such civil action except such as goes to the ground-work, equity and justice of the tax, and the burden of proof shall rest upon the party assailing the tax. In case part of such special tax shall be shown to be invalid, unjust and inequitable, judgment shall be rendered for such amount as is just and equitable, and costs

shall follow the judgment. It shall be competent for the mayor and council upon the written application of any company, association, corporation or person, owning any such street railway, to provide that such special taxes shall become delinquent and be payable in installments, as in case of taxes levied upon abutting real estate as hereinafter provided; but such application shall be taken, and deemed a waiver of any and all objections to such taxes and to the validity thereof. Such application shall be made at or before the final levy of such taxes. The provision of this act in regard to the levy, collection and enforcement of special taxes to pay the cost of paving, repaving, macadamizing or repairing between the rails of street railways shall apply to such special taxes hereinafter levied, whether for such improvements heretofore ordered and contracted for, or to be hereafter ordered and made.

May provide
for payment in
installments.

SEC. 72. The mayor and council shall have power, in any paving district, and it shall be their duty before the work of paving or repaving is done therein, to require water, gas and sewer connections to be made under such regulations and at such distances as may be prescribed by ordinance from the street mains to the line of the property abutting upon the street ordered paved or repaved; and shall require that such water pipe connections may be made by any water works company owning the water-pipe main, and that such gas pipe connections may be made by any gas company owning the gas-pipe

Regulating
water, gas and
sewer connec-
tions.

Regulation enforced against gas and water companies.

main. And upon neglect or failure of the water or gas companies to do the same, the board of public works may cause the same to be done, and the cost thereof shall be deducted from the indebtedness of the city to such companies, and no bills shall be paid to the said companies by the city until all such expense for pipe laying shall have been liquidated. And the mayor and council shall also have power, at any time, to assess the cost of any sewer connections upon the property opposite such connections, and to such depth as the council, sitting as a board of equalization, shall deem just and equitable.

Special taxes for public improvements, how assessed.

SEC. 73. All special taxes to cover the cost of any public improvements herein authorized shall be levied and assessed on all lots, parts of lots, lands and real estate bounding, abutting or adjacent to such improvement or within the district created for the purpose of making such improvement, to the extent of the benefits to such lots, parts of lots, lands and real estate by reason of such improvement, such benefits to be determined by the council sitting as a board of equalization, after publication of notice to property owners as herein provided, and in cases where the council sitting as a board of equalization, shall find such benefits to be equal and uniform, such assessment may be according to the foot frontage, and may be pro-rated and scaled back from the line of such improvement according to such rules as the board of equalization shall consider fair and equitable; and all such assessments and findings of benefits shall not be

subject to review in any legal or equitable action, except for fraud, gross injustice or mistake,

Provided, That when any public improvement shall extend into or through any unsub-divided tract or parcel or parcels of land, said taxes shall be levied so as not to be charged against the real estate adjoining such improvement for a greater depth than the average distance through the sub-divided real estate to be taxed for said purpose.

Through unsubdivided tracts.

SEC. 74. It shall be sufficient, in any case, in making a levy or assessment of any tax, to describe the lot or piece of ground as the same is platted and recorded, although the same belong to several persons; but in case any lot or piece of ground belonging to different persons, the owner of any part thereof may pay his proportion of the tax on such lot or piece of ground, and his proper share may be determined by the city treasurer.

Levy of tax when several persons own.

SEC. 75. The cost and expense of grading, filling, culverting, curbing, guttering or otherwise improving, constructing or repairing streets, avenues, alleys and sidewalks at their intersections, may be included in the special tax levied for the construction or improvement of any one street, avenue, alley or sidewalk, as may be deemed best by the council.

Improvement of intersections, how paid

SEC. 76. Special taxes may be levied as the improvements are completed in front of or along, or upon any block or piece of ground, or at the time the improvement is entirely completed, or otherwise, according as shall be provided in the ordinance levying the tax.

Special taxes may be levied as improvements are made.

*Certified copy
of ordinance
and warrant to
treasurer.*

SEC. 77. When any special tax is levied it shall be the duty of the city clerk to deliver to the city treasurer a certified copy of the ordinance levying such tax, who shall without delay give at least five days notice, through the official paper of the city, of the time when such tax will become delinquent. To every such certified ordinance, the city clerk shall append a warrant in the usual form requiring the city treasurer to collect such special tax or taxes by distress and sale of the goods and chattels of the person, persons or bodies corporate owing any such special tax or taxes, if the same be not paid before the time fixed for the same to become delinquent.

*Special taxes
for construct-
ing or recon-
structing sew-
erage.*

SEC 78. Special taxes may be levied by the mayor and council for the purpose of paying the cost of constructing or reconstructing sewers or drains within the city; such taxes to be levied on the real estate lying and being within the sewerage district in which such sewerage or drain may be situated, to the extent of the benefits to such property, by reason of such improvement, the benefit to such property to be determined by the council, sitting as a board of equalization, after notice to property owners, as in other cases of special assessment;

*Method of
levy and collec-
tion.*

Provided, And in cases where the council sitting as such board of equalization, shall find such benefits to be equal and uniform, such levy may be according to the front feet of lots or real estate within said sewerage district or according to such other rule as the council sitting as such board of equalization may adopt for

such distribution or adjustment of such cost upon the lots or real estate in such district benefitted by such improvement; and all taxes or assessments made for sewerage or drainage purposes shall be collected in such manner as other special assessments, and shall be subject to the same penalty.

SEC. 79. The mayor and council shall have power to levy and collect taxes for general purposes not exceeding fourteen (14) mills on the dollar valuation in one (1) year; and on all the real estate and personal property within the corporate limits of the city, taxable according to the law of this state, including all interests or business so taxable, and shall also have power to levy and collect taxes on all such property for the sole and exclusive purpose of repairing, modifying, reforming or changing and maintaining curbs and gutters, and for cleaning and repairing pavements not exceeding three (3) mills on the dollar valuation in any one (1) year; taxes levied for said purposes to be and constitute a special fund therefor; and shall have power to levy and collect on all property for the sole and exclusive purpose of maintaining and cleaning sewers, not to exceed a half ($\frac{1}{2}$) mill on the dollar valuation in any one (1) year; taxes levied for such purpose to constitute a special fund therefor; and shall also have power to levy and collect on all such property for the sole and exclusive purpose of maintaining and paying the police department of any such city not exceeding five (5) mills on the dollar valuation in any one (1) year; taxes levied for said

Levies authorized to be made.

General tax 14 mills.

Cleaning and repairing pavements, 3 mills.

Maintaining and cleaning sewers, $\frac{1}{2}$ mill.

Police department, 5 mills.

purpose to constitute a special fund therefor; and shall also have the power to levy and collect on all such property for the sole and exclusive purpose of maintaining and paying the fire department of any such city, not to exceed five (5) mills on the dollar valuation in any one (1) year; taxes levied for said purpose to constitute a special fund therefor; and shall also have the power to levy and collect on all such property for the sole and exclusive purpose of providing and furnishing light for such city not to exceed three (3) mills on the dollar valuation in any one (1) year; taxes levied for such purpose to constitute a special fund therefor; for the payment of the salaries of the board of park commissioners and for the salaries and wages of the employes of said board, and to provide a fund for laying out, improving, or beautifying the parks, park ways, boulevards and public grounds not less than one and one-half ($1\frac{1}{2}$) mills and not exceeding three (3) mills on the dollar valuation in any one (1) year; taxes levied for such purpose to constitute a special fund therefor; for the payments of judgments against the city and interest thereon not exceeding five (5) mills on the dollar valuation in any one (1) year; taxes levied for such purpose to constitute a special fund therefor; for the payment of the expenses of the board of health, not exceeding one (1) mill on the dollar valuation in any one (1) year, taxes levied for such purpose to constitute a special fund therefor; the valuation of such property to be taken from the last previous assessment book or books of the assessor, assessing property for and within metropolitan cities, as by him returned and

Fire department, 5 mill -

Lighting fund, 3 mills.

Improving parks, &c., $1\frac{1}{2}$ mills.

Judgment fund 5 mills.

Board of health 1 mill.

City clerk to copy assessments from assessors' books.

assessed. The city clerk shall annually make a copy of such assessments for the purpose of taxation as herein provided, and said assessor shall permit the making of the copy hereby contemplated.

Provided, That whenever the total valuation of property in said city, for purposes of taxation shall in any one (1) year exceed the sum of twenty-five millions (\$25,000,000) of dollars, then, and in that case, the rate of levy for any and all taxes herein provided shall be reduced and decreased in exact ratio and proportion to the increase in valuation of taxable property over and above the said sum of twenty-five millions (\$25,000,000) dollars.

Levy to be reduced, when

Provided, Also, that the authorities of any such city shall not in such year, issue warrants or orders to an amount exceeding ninety (90) per cent. of the amount of taxes levied for such year, and the amount actually received from other sources, and said city authorities shall not contract or incur any indebtedness in addition to the amount for which they are authorized to issue warrants, or orders or bonds. Upon the completion of such copy of said assessment roll, the city clerk shall add to such roll the road-bed, right-of-way, and superstructures thereon, main and side tracks, depot buildings and depot grounds, section and tool houses, rolling stock, telegraph lines and all other property, real or personal, of any railroad or telegraph company within such city and not appearing upon the county rolls by reason of having been returned or listed to the state auditor, or for any other reason, and assess the same as near as may be to correspond with the assessed value of like

Warrants issued not to exceed 90 per cent. of levy

City clerk to add certain R. R. property, etc., to assessment roll.

property on said county roll, for the purpose of taxation for municipal purposes; and such assessment shall be subject to equalization of the city council the same as other property, when sitting as a board of equalization.

Sinking fund.

SEC. 80. The mayor and council are hereby required to make provisions for a sinking fund to redeem at maturity the bonded indebtedness of the city, and also to provide for the payment of interest on its bonds as such interest may mature, and for such purpose the mayor and council thereof shall levy and collect a tax not exceeding one per cent. in any one year upon all property taxable for general city purposes.

Water rent
tax $4\frac{1}{4}$ mills.

SEC. 81. The mayor and city council shall have power to levy and collect taxes for the special purpose of paying rents for water, for fire purposes and for public use, not exceeding four and one-half mills on the dollar in any one year, upon all property taxable for city purposes.

Rate levy reduced when
valuation exceeds \$25,000,
000.

Provided, That when the total valuation of property in said city, for purposes of taxation, shall in any one year exceed the sum of twenty-five millions of dollars, then, and in that case the rate of levy for the tax herein provided shall be reduced and decreased in exact ratio and proportion to the increase in valuation of taxable property over and above the said sum of twenty-five millions of dollars.

Taxes paid in
cash.

SEC. 82. All municipal taxes and all local or special assessments in such cities shall be paid in cash.

SEC. 83. All municipal taxes shall be collected from the personal property of the person, persons or body corporate owning the same, whenever the same is practicable, and whenever personal property cannot be found belonging to any such person, persons or bodies corporate, then, in that case all such delinquent taxes as may have been levied on any real estate within such city shall be collected by the county treasurer of the county in which such city is situated, by sale of such real estate, the same as in case of delinquent county taxes.

May sell real estate for tax.

SEC. 84. The mayor and council shall have full power and authority to pass any and all ordinances not inconsistent with the laws of this state, that they may deem necessary to secure the speedy and thorough collection of all municipal taxes and special assessments.

May pass ordinances to secure collection of taxes.

SEC. 85. The city clerk shall complete the assessment roll for the city on or before the second Monday in October of each year, unless otherwise ordered by the council, and when such roll is completed, the council shall hold a session of not less than five days as a board of equalization, giving notice of said sitting for at least six days prior thereto in three daily papers of the city. The mayor and council shall make the annual levy at the first regular meeting of the city council in February of each year. And in all cases before any special taxes that may be levied except for constructing wood sidewalks shall be finally levied, it shall be the duty of the council to sit as a board of equalization for the purpose of equalizing any such proposed levy of special taxes or assessments and cor-

Council to sit as a board of equalization.

When levy made.

recting any error therein, giving notice of such sitting in the same manner as above provided in this section, stating in such notice, the purpose for which it will sit, and it shall continue such session not less than one day, from 9 A. M. to 5 P. M., and at such session it shall hear all complaints that the owners of property so to be assessed and taxed may make, and it shall be its duty to equalize any such assessment by correcting any errors therein and thereupon such assessments and special taxes shall be finally made.

Taxes when
delinquent.

SEC. 86. On the first of July next succeeding the levy thereof, all unpaid city taxes in cities of the metropolitan class shall be and become delinquent, and shall thereafter draw interest at the rate of one per cent. per month, payable in advance, which interest shall be collected the same as the tax due, and it shall be the duty of the city treasurer to proceed as soon as practicable after any tax becomes delinquent, to make such delinquent tax out of the personal property of such delinquent, if any such property can be found within such city. No demand of taxes shall be necessary but it shall be the duty of every person owing any municipal tax or taxes in such cities to attend at the treasurer's office and pay the same.

No demand for
taxes neces-
sary.

City clerk
make tax list.

SEC. 87. As soon as the assessment roll shall have been equalized and the levy made thereon, the city clerk shall immediately make out a tax list and duplicate thereof, which shall be as nearly as practicable in the form prescribed by law for the tax list to be furnished county treasurers, and he shall deliver such

tax list to the city treasurer on or before the first day of May next after the date of the levy in each year, and he shall make the duplicate thereof in his office. Errors in the names of persons assessed may be corrected by the treasurer, and tax collected from the person intended, and in case the treasurer finds any land has been omitted in the assessment, he shall report the fact to the council who may assess the same and direct the correction of the list.

Errors and
omissions, how
corrected.

SEC. 88. To each tax list so delivered a warrant under the hand of the city clerk shall be annexed, to be substantially in the following form, to wit:

In the name and by authority of the State of Nebraska: To——city treasurer of the city of——in said state——You are hereby commanded to collect from each of the persons and corporations named in the annexed tax list, and of the owners of the real estate described therein, the taxes set down in such list opposite their respective names, and the several parcels of land described therein; and in case any person or corporation, upon whom any such tax or sum is imposed, or who by law is required to pay the same, shall refuse or neglect to pay the full amount thereof before the first day of July next, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed, as are by law required to pay such tax. Given under my hand and official seal this —— day of —— A. D. 18——
—— City Clerk of the city of ——

Tax warrant
Form.

Power con-
ferred by war-
rant.

SEC. 89. Such warrant shall fully authorize and empower the city treasurer to levy on any personal property belonging to any such delinquent, and collect therefrom any municipal taxes then due from such delinquent, and such warrant shall be full and complete justification to the treasurer in any action brought to recover damages or cost for any act or proceeding by him done or taken in conformity with the commands thereof.

Powers of city
treasurer same
as county trea-
surer.

SEC. 90. The powers, rights, duties, and proceedings of the city treasurer, in cities of the metropolitan class, and of such deputies as he may appoint shall in all respects, as far as applicable, and except as herein otherwise provided be the same in respect to the collection of municipal taxes and assessments as those of county treasurer in like cases with reference to the collection of county taxes.

City treasurer
make delin-
quent real es-
tate tax list.

SEC. 91. It shall be the duty of the city treasurer on or before the first Monday in September of each year to make out a complete delinquent list of all lots, lands, or parcels of real estate, the taxes and assessments on which, for the preceding year remain uncollected at that time, with the amount of such taxes or assessments together with penalty and interest due from each lot or parcel of real estate set opposite the same; arranging the several lots, lands, or parcels of real estate in such list in the order that they appear on the tax list; stating also in each case the purpose for which the tax or assessment was levied. The county treasurer shall

receive such delinquent list, and he shall advertise the real estate therein described for sale for such delinquent taxes or assessments at the same time he advertises the sale of real estate for delinquent taxes by adding the amount of such delinquent city taxes and assessments to the amount of delinquent state, county and other taxes, and he shall sell such lots, lands or parcels of real estate, for the purpose of paying all such delinquent taxes and assessments, and shall credit such city for the amount of taxes or assessments so collected, which shall be subject to the order of the treasurer of such city. In the sale of any real estate as above provided for, and in the giving of certificates of sale and tax deeds therefor, the county treasurer shall proceed in the same manner as is or may be provided by law for his proceedings in the sale of real estate for delinquent county taxes, and with like power and authority; and the real estate so sold may be redeemed within the time and upon the same terms and conditions in every respect as is or may be provided by law for the redemption of real estate sold for delinquent county taxes.

County treasurer receive and advertise.

County treasurer sell lots and lands for delinquent tax.

County treasurer issue certificates and deeds as for county tax.

Provided, That under this act the county treasurer shall be authorized to collect only by sale of real estate; and provided further, it shall be the duty of the city treasurer upon any taxes being collected by him after the delinquent tax list shall have been delivered to the county treasurer, to forthwith notify the county treasurer of such collection, that the same may be cancelled on the delinquent tax list.

City treasurer notify county treasurer of collections.

Provided further, That the failure, neglect, or refusal of the city treasurer to make the tax assessed against

any real estate by distress and sale of the personal property of the owners thereof, shall not in any wise affect or invalidate the sale of such land for such tax.

Municipal
taxes a perpet-
ual lien.

SEC. 92. Municipal taxes and special assessments upon real estate in any such city are hereby made a perpetual lien thereupon from the day on which the same were levied against all persons or bodies corporate; except the United States and this state. Any person or body corporate purchasing any real estate for any tax or assessment levied by the authorities of any city of the metropolitan class, shall, after the lapse of five years from the time of recording the treasurer's deed therefor, acquire and have a complete title thereto, and thereafter all persons shall be debarred from commencing or sustaining any action in any court of this state to recover possession of the same.

Title under
tax deed.

Irregularities
not to effect
sale.

SEC. 93. Irregularities in making assessments and returns thereof, in the equalization of assessments, and in the mode and manner of advertising the sale of any property, shall not invalidate or affect the sale thereof when advertised and sold for delinquent city taxes or special assessments as herein provided; nor shall the sale of any real estate for such taxes or assessments be invalid on account of such real estate having been listed in any other name than that of the rightful owner or owners.

May levy tax
for previous
year, when

SEC. 94. The foregoing provisions shall apply to all taxes now due or heretofore delinquent, or that may hereafter become due and delinquent. Whenever any municipal tax or taxes levied for any former year shall remain

uncollected because of any defect, error or irregularity in either the power or manner of making the levy thereof, it shall be lawful for the mayor and council of such city to again levy a tax upon the property so delinquent in lieu of such former tax or taxes, and at the same rate and upon the same assessment as such former tax or taxes levied; and such tax or taxes shall be inserted in the tax list, and shall be collected in the same manner as other general taxes are. The city council may, at any time, correct any error or defect, or supply any omission in the assessment or listing of any property subject to municipal tax made for the purpose of taxation for the then current fiscal year, and may require any and all persons to appear and answer under oath as to their possession or control of personal property subject to municipal taxation, and the mayor and council, by ordinance, may make such compromise, settlement or adjustment of any action or litigation concerning the validity, legality or regularity of any tax or taxes levied for city purposes, as they may deem just and expedient, and the city treasurer shall conform thereto in his action respecting the collection of taxes under any tax list in his hand. These provisions shall apply to general municipal taxes and to special assessments as far as the same may be applicable, unless otherwise provided in the ordinance levying the same. Special taxes and assessments, except for paving purposes, shall be deemed delinquent if not paid in fifty (50) days after the passage and approval of the ordinance levying the same, in each case, and interest at the rate of one per cent. a month, payable in advance,

Council may correct defect, supply omission.

May compromise and adjust tax litigation.

Special tax, when delinquent.

shall be paid on all delinquent special taxes or assessments from the time the same shall become delinquent.

Treasurer's
books and ac-
counts open to
inspection.

SEC. 95. The city treasurer shall receive all moneys belonging to the city, and shall keep his books and accounts in such manner as the mayor and council may prescribe; and such books and accounts shall be always subject to inspection of the mayor, comptroller, members of the council, and such other officers or agents as they may designate. All citizens of this state, and other persons interested in the examination of the public records are hereby fully empowered and authorized to examine the same free of charge during the hours the respective offices may be kept open for the ordinary transaction of business.

Warrants.

SEC. 96. All warrants shall be drawn by the comptroller upon the treasurer and must be signed by the mayor and comptroller, stating the particular fund or appropriation to which the same is chargeable, and the person to whom payable, and no money shall be otherwise paid on account of the city than upon such warrants so drawn, unless otherwise provided by law or ordinance.

Provided, That the authorities of any such city shall not in any year issue warrants or orders to an amount exceeding ninety (90) per cent. of the amount of taxes levied for such year, and the amount actually received from other sources, and said city authorities shall not contract or incur any indebtedness in addition to the amount for which they are authorized to issue warrants or orders or bonds.

SEC. 97. The city treasurer shall keep a separate account of each fund or appropriation, and the debts and credits belonging thereto. He shall give every person paying money into the city treasury a receipt and keep the duplicate thereof, specifying the date of payment, and upon what account paid, and he shall also file copies of such receipts with the comptroller on the first day of each month.

Treas. keep account each fund, give receipts for payments, file copies with comptroller.

SEC. 98. The treasurer shall at the end of each month, and oftener if required, render an account to the mayor, city council and comptroller, showing the state of the treasury at the date of such account and the balance of money in the treasury, and particularly showing the several balances to the credit of each fund on account of which bonds may have been issued. He shall also accompany such account with a statement of all moneys received into the treasury and on what account, together with all warrants redeemed and paid by him; which said warrants, with any and all vouchers held by him, shall be delivered to the comptroller and filed with his said account in the comptroller's office upon every day of such settlement. He shall return all warrants paid by him, stamped or marked "Paid," and shall give a list of such warrants stating the number and amount of each. The treasurer shall register, by making a brief descriptive record thereof, all warrants presented for payment and not paid for want of funds; and whenever funds accrue in his hands sufficient to take up and pay any warrants so registered, he shall give notice thereof, de-

Treasurer report monthly to mayor, council and comptroller.

Report contain what.

Vouchers to comptroller

Treas. register unpaid warrants, advertise when funds to pay, interest ceases.

scribing said warrant or warrants, by advertisement in the official paper of the city three times, and thereafter and from the date of said notice all interest upon said warrant or warrants so advertised shall cease and determine.

Treasurer to deposit money in banks designated.

SEC. 99. All funds of the city shall, as the same accrue, be by the city treasurer placed on deposit in such banks within said city as shall agree or offer to pay the best rates of interest for the use of such funds so deposited, and the city council is hereby directed to advertise for bids for the deposit of such funds as is hereby contemplated. Such banks shall pay to the city treasurer monthly interest on the daily balances in such respective bank for the current month.

No deposit made in bank of less than \$200,000 capital.

Provided, That no deposit shall at any time be made in any bank having less than two hundred thousand dollars (\$200,000) paid up capital stock; and no deposit shall be made in any bank in excess of forty-five (45) per cent. of its paid up capital stock.

Banks to give bond to city.

Provided, further, That the bank or banks so selected shall give bond to the city, to be approved by the mayor and city council, for the safe keeping of said deposits, in double the amount of money at any one time in their possession, the said bond to be signed by two or more sureties, who shall be citizens and freeholders of the state of Nebraska.

Treasurer to keep funds separate.

The treasurer shall keep all money in his hands belonging to the city or school district of the city separate and distinct from his own moneys; and he is hereby expressly prohibited from using any such money, or

any warrants or other securities in his custody or receiving any interest thereon either directly or indirectly for his own use or benefit, or for the use or benefit of any other person or corporation except said city or the school district therein. Any violation of this provision shall subject him to immediate removal from office by the city council, who are hereby authorized to declare such office vacant; and the mayor, with the consent of the city council, shall appoint a successor, who shall hold his office for the remainder of the term unexpired of such officer so removed. All interest on moneys of the city shall be reported by the treasurer to the city council and comptroller and be covered into the general fund of such city, and all interest on moneys of the school district shall be reported to the board of education and placed to the credit of the school fund.

Interest received to be reported, and covered into general fund.

Interest on school moneys to be placed to credit of that fund.

SEC 100. The treasurer shall report to the mayor and council annually, on the first Tuesday of February, a full and detailed account of all receipts and expenditures during the preceding fiscal year, and the state of the treasury and a statement in detail of the indebtedness and financial condition of the city. He shall also keep a registry of all warrants redeemed and paid during the year, describing such warrants, their date, amount, the number, the fund from which paid and the persons to whom paid, specifying also the time of payment; and all such warrants shall be examined by the finance committee at the time of making such annual report.

Treasurer to make report.

Fund devoted
to purpose,
created.

SEC. 101. Each and every fund created by this act shall be strictly devoted to the purpose for which it was created, and shall not be diverted, transferred or borrowed therefrom; any member of the city council voting to so divert, transfer, or borrow the money in any fund shall be liable on his official bond for the amount so diverted, transferred or borrowed.

Penalty for
diversion.

Balances trans-
ferred to gene-
ral fund.

Provided however, That any balance remaining in any special fund after the payment of all liabilities against such fund shall be transferred to the general fund of the city.

Inspectors on
public work,
how paid.

Provided also, That inspectors of public work paid from special funds may receive pay for their services from the general fund of the city monthly as other employees; upon the completion of such work, and levy and collection of the special fund to pay for the same, an amount equal to that paid said inspectors from the general fund may be taken from such special funds and returned to the general fund from which it was temporarily taken; and the mayor and council are hereby authorized to include the cost of inspection in such special funds to be levied and collected.

Special tax
applied to pur-
pose for which
levied.

SEC. 102. All moneys received on any special assessment shall be held by the treasurer as a special fund, to be applied to the payment of the improvement for which the assessment was made, and such money shall be used for no other purpose whatever;

Mayor and
council may in-
vest funds to
prevent loss.

Provided, That the mayor and council shall have the power and it shall be their duty by ordinance in concurrent resolution whenever they shall deem proper so

to do, to prevent loss, accruing interest, to provide and require that any money to the credit of any special fund on account of which bonds may have been issued, to be invested in short time bonds of the city, or in other good and safe securities, as said mayor and council shall approve so as to realize in such bonds or securities at maturity of the bonds issued on account of such fund.

SEC. 103. The treasurer shall be collector of taxes for the city, and shall give bonds in a sum not less than two hundred thousand (\$200,000) dollars or double the amount of money likely to come into the hands of such treasurer, to be approved by the mayor and council, for the honest and faithful performance of the duties of his office, and for the safe keeping of all public funds collected or received by him; said bond to be filed and recorded in the office of the city clerk. The treasurer and his sureties shall be liable on his bond for the safe keeping of all public funds collected or received by such treasurer, and for all taxes and assessments not collected by him according to law, whenever such taxes or assessments remain uncollected by him by reason of any neglect of duty, want of due diligence, or failure on his part to comply with the laws and ordinances relating to the collection of taxes.

Treasurer the
tax collector.
His bond.

SEC. 104. There shall be in each city of the metropolitan class a board of public works which shall consist of three members, residents of such city, to be appointed by the mayor by and with the consent of the council on the first Tuesday in July, 1887, for the

Board of pub-
lic works.

term of one, two, and three years, respectively from said first Tuesday in July, 1887, and annually thereafter there shall be appointed as hereinbefore provided one member whose term of office shall be three years. At the time of making each appointment the mayor shall designate the office each member shall fill for the ensuing year. The members of said board of public works shall be known as the chairman of the board of public works, the street commissioner, and the sewer commissioner. Each of said members before entering upon the discharge of his duties shall take oath to faithfully discharge the duties of his office and shall

Bond required. enter into a bond to such city with two or more good and sufficient sureties to be approved by the mayor and council, in the sum of ten thousand dollars (\$10,000) each, conditioned for the faithful performance of his duties as such member of said board of public

Duties of chairman. works. The chairman of the board shall have general supervision of public works. He shall keep complete records and accurate accounts of the same; he shall hear and investigate all complaints, and shall keep himself well informed of the ordinances of such city, and see to the enforcement of the same as far as public

Street commissioner. works are concerned. The street commissioner jointly with the chairman of the board shall supervise all public work done upon or over the surface of the streets and alleys, such as paving, sidewalks, and other work upon or over the surface of the streets. He shall appoint all inspectors and employees in his department, subject to the approval of the board of public works, to the extent and limit that the funds provided by the

mayor and council for that purpose will allow. He shall keep a record of the services of all inspectors and employees and certify to the pay roll of such inspectors and employees to the board of public works monthly, or oftener if required by said board, and when any work shall be completed he shall promptly file with the board a certified statement of the cost of inspection to be charged to such work. The street commissioner shall supervise all street sweeping and cleaning, and when let under contract appoint a competent inspector of such work to be approved by the board of public works. He shall see to the enforcement of all measures necessary for the protection of the city against any damage or liability by reason of any and all work done upon the surface of the streets or alleys. He shall make all temporary repairs ordered by the board of public works, or the mayor and council. He shall have power to dismiss all inspectors in his department subject to the approval of the board of public works, and shall also have power to dismiss all other employees under his supervision when in his judgment their services shall no longer be required, or for other good and sufficient reasons. The board shall also have power to dismiss any inspector or employee in said department when in the judgment of said board their services shall no longer be required, or for other good and sufficient reasons. The sewer commissioner jointly with the chairman of the board shall supervise all sewer work, and the construction, maintenance, cleaning and repairs of public sewers, culverts, drains, conduits and subways; also water, gas, conduit and

Sewer commis-
sioner.

subway trenches, or other works under the surface of the streets done under permit, or otherwise in the city. He shall appoint all inspectors and employees in his department, subject to the approval of the board of public works, to the extent and limit that the funds provided by the mayor and council for that purpose will allow, and he shall be empowered where necessary for the furtherance of public work or the abatement of nuisances to cause the temporary suspension of the use of water, gas, sewer, or other service, or to cause the temporary removal of or discontinuance of railway tracks, or street car or other travel. He shall receive all complaints of sewer stoppage and investigate the same at once, and keep a record of all such cases and the facts connected therewith. He shall have power to dismiss all inspectors in his department subject to the approval of the board of public works, and shall also have power to dismiss all other employees under his supervision when in his judgment their services are no longer required, or for other good and sufficient reasons. The board shall also have power to dismiss any inspector or employee in said department when in the judgment of said board their services shall no longer be required, or for other good and sufficient reasons. The said board of public works shall regulate and fix the compensation of all inspectors and wages of employees that are under the supervision of said board or said commissioners, which wages shall not be less nor more than current wages for that class of daily labor. Each of said members of such board of public works shall devote his entire time to the performance

Board of public works to fix compensation of employees.

Each member to devote his entire time.

of his official duty, and no member of such board shall be directly or indirectly interested in any contract entered into by them on behalf of such city, nor shall they be interested either directly or indirectly in the purchase of any material to be used or applied on or about the work contemplated by this act. The board in conjunction with the city engineer shall make specifications, to be approved by the mayor and council, for all public works to be done under the supervision of said board and it shall be the duty of such board of public works and it shall have the power to make contracts on behalf of the city for the performance of all such work and the erection of such improvements as may be ordered by the mayor and council, but only with the approval of the mayor and council. It shall also be the duty of said board to approve the estimates of the city engineer, which may be made from time to time, of public work, as the same may progress; to accept any work or improvement made when the same shall be fully completed according to contract, subject, however, to the approval of the mayor and council; and said board and the members of said board shall perform such other duties as may be devolved upon said board or the members thereof respectively by ordinance. A majority of the members of said board shall constitute a quorum for the transaction of any business coming within the control or jurisdiction of the same; the presence of the chairman of said board shall be necessary to constitute a quorum. In the absence, sickness or disability of the chairman the mayor shall designate one of the other members of said board to

Board not to be interested in public work.

May make contracts.

Board to approve estimates of engineer.

Majority to constitute a quorum.

act as chairman during said disability. The said board of public works shall hold regular meetings on Friday of each week, and special meetings may be called by the chairman or any two members of said board. The board shall make an annual report to the mayor and council not later than February 1st of the work of the year closing December 31st preceding said date. Any member of such board may at any time be removed from office by a vote of two-thirds of the members of the council with the approval of the mayor for sufficient cause, and the proceedings in that behalf shall be entered in the journal of the council.

Members, how removed.

Member to be served with copy of charges

Provided, That the city council shall previously cause a copy of the charges preferred against such member sought to be removed and notice of the time and place of hearing the same to be served on him at least ten days previous to the time so assigned, and opportunity shall be given him to make his defense.

City engineer.

SEC. 105. A city engineer shall be appointed by the mayor, by and with the consent of the council. Before assuming the duties of his office, he shall make oath faithfully to perform the duties of his office and he shall give a bond with not less than two good and sufficient sureties, to the satisfaction of the mayor and council, in the sum of twenty-five thousand dollars (\$25,000) for the faithful performance of his duties. He shall devote his entire time to the duties of his office, and he shall not receive any fees or perquisites in addition to his salary. He shall notify the board of public works of the completion of all contract work

Bond.

prior to the acceptance thereof, and after the same shall have been accepted by the board of public works he shall prepare and submit final estimates of the same, of which he shall keep a duplicate copy for the approval of said board. He shall keep and preserve in a proper manner all books, maps, profiles and other records belonging to the city and connected with his department, and shall deliver the same to his successor in office. The engineer shall make all necessary surveys and furnish such plans, plats, profiles, estimates, and such other information relating to or concerning public work as shall be required by the board of public works. He shall have the right to appoint an assistant engineer, subject to the approval of the council, who shall act under the direction and control of the city engineer, for whose acts the city engineer and his bondsmen shall be responsible, and who shall, in the event of the sickness, disability, or absence of the city engineer, in addition to other work required of him, be empowered to perform all the duties devolving upon the city engineer during such sickness, disability or absence. The city engineer is authorized to require such assistant engineer to furnish bond in such sum and with such sureties as he may consider ample for his protection.

Section 106. Repealed.

SEC. 107. In each city of the metropolitan class, there shall be a board for the inspection of buildings which shall have charge of the enforcing of all ordinances pertaining to party walls or the erection, construction, alteration, repair or removal of buildings, ^{Inspector of buildings.}

and the arrangement of heating appliances. A majority of the members of such board shall constitute a quorum. The chief officer of such board shall be called the "Inspector of Buildings" and he shall be the executive officer of such board. He shall be appointed by the mayor at the same time and in the same manner as other appointive officers of the city, and shall give bond with two or more sureties in the sum of five thousand (\$5,000) dollars for the faithful discharge of his duties, to be approved by the city council and filed with the comptroller. He shall issue permits only upon the receipt of the city treasurer showing that the required fee therefor has been paid into the city treasury. He shall report to the city council on the first day of each month and transmit therewith all receipts filed for permits issued. It shall be unlawful to issue any permits for any purpose whatever until the fee therefor has been paid to the city treasurer, and his receipt filed with the inspector of buildings. The inspector of buildings shall be an experienced builder and mechanic, and competent to perform all the duties of the office to which he is appointed, and shall not, during his term of office, be employed in any other vocation or business. The city engineer and the chief of the fire department, or such other officers or persons as may be designated by ordinance, shall be the other members of the board for the inspection of buildings. The board for the inspection of buildings and the inspector of buildings shall have and exercise such other powers and duties as may be prescribed by ordinance or con-

current resolution. All charges for permits shall be fixed by ordinance.

SEC. 108. In each city of the metropolitan class Board of park commissioners there shall be a board of park commissioners who shall have charge of all the parks and public grounds belonging to the city, with power to establish rules for the management, care and use of public parks, parkways and boulevards, and it shall be the duty of said board from time to time to devise, suggest and recommend to the mayor and council a system of public parks, parkways and boulevards or additions thereto within the city, or within three miles of the limits thereof, and to designate the lands, lots or grounds necessary to be used, purchased or appropriated for such purpose. And thereupon it shall be the duty of the mayor and council to take such action as may be necessary for the appropriation of the lands, lots or grounds so designated, the power to appropriate lands, lots or grounds for such purpose being hereby conferred on the mayor and council, and for the purpose of making payments for such lands, lots or grounds so appropriated, or purchased as hereinafter provided, assess such real estate as may be specially benefitted by reason of the appropriation or purchase thereof for such purpose, and issue bonds as may be required for such purpose to the extent and amount required in excess of such assessment. And the mayor and council are further authorized upon the recommendation of said park commissioners and with their concurrence to purchase in the name of said city, lands, lots or grounds

within the limits herein designated to be used and improved for parks, parkways or boulevards, notwithstanding said limits include lands, lots or grounds within the corporate boundaries of other cities or villages, and if such lands, lots or grounds are in the limits of other cities or villages, said cities or villages shall cease to have jurisdiction over the said lands, lots or grounds after the said lands, lots or grounds are acquired for parks, parkways or boulevards as aforesaid by gift, purchase, condemnation or otherwise; and for the purpose of paying for and improving lands, lots or grounds purchased or appropriated for parks, parkways or boulevards the mayor and council may issue bonds for such purpose to an amount necessary, not to exceed fifty thousand dollars (\$50,000) per year. Said bonds to be designated and known as "Park Bonds, Series ———," and to be issued and used in accordance with the provisions governing the issuance of sewer, funding, and other public improvement bonds by this act contemplated.

Bonds to be authorized by vote of the people.

Provided, No such bonds shall be issued until the question of the issuing of the same has been submitted to the electors of the city at a general election therein, and authorized by a vote of two-thirds (2-3) of the electors voting on said question at such election. When improvements are made upon or in streets, or sidewalks adjacent to, and abutting upon, parks, parkways or boulevards and similar grounds in the charge and control of said board of park commissioners, the cost or expense of which would otherwise be chargeable to the city, the same shall be paid from the park fund

tax hereinafter provided; and said commissioners are hereby directed to pay the cost of such improvements.

Said board of park commissioners shall be composed of five members, who shall be resident freeholders of such city, and who shall be appointed by the judges of the district court of the judicial district in which such city shall be situated. The members of said board shall be appointed by said judges, a majority of said judges concurring, on the second Tuesday of May, 1889, or on the second Tuesday of May following the creation under this act of any city of the metropolitan class, one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years; and after the appointment of said five members, it shall be the duty of said judges, a majority concurring, to appoint or reappoint, one of said board each year on the second Tuesday of May, and to fill for the unexpired term any vacancies existing in the board. A majority of all the members of the board of park commissioners shall constitute a quorum. It shall be the duty of said board of park commissioners to lay out, improve and beautify all lands, lots or grounds now owned, or hereafter acquired for parks, parkways or boulevards. They may employ a secretary, and such landscape gardeners, superintendents, engineers, keepers, assistants or laborers, as may be necessary for the proper care and maintenance of such parks, parkways or boulevards, or the improvement or beautifying thereof, to the extent that funds may be provided for such purpose. The members of said board at its first meeting each year,

Park commissioners, when appointed.

after the first Tuesday in May, shall elect one of their own members as chairman of said board. Before entering upon their duties each member of said board shall take an oath, to be filed with the city clerk, that he will faithfully perform the duties of his appointment, and in the selection or designation of lands, lots or grounds for parks, parkways or boulevards, and in making appointments, he will act for the best interest of such city and the public, and will not in any manner be actuated or influenced by personal or political motives.

Boiler inspector.

SEC. 109. In all cities of the metropolitan class there shall be a boiler inspector, who shall be appointed by the mayor with the approval of the city council. The boiler inspector shall be a practical mechanical steam engineer, or expert boilermaker, and shall have had for the two years next preceding his appointment a certificate or license as such, of the highest grade, which shall have been issued to him by the United States or other recognized authority authorized to grant such certificate or license. The boiler inspector shall perform such duties and have such powers concerning the inspection of steam boilers, and other steam generators within the city as may be prescribed by ordinance. He shall be authorized to charge such fees as shall be prescribed by ordinance, which fees shall be paid to the city treasurer before he issues his certificate of inspection.

Comptroller,
office of

SEC. 110. The comptroller shall act as the general accountant and fiscal agency of the city and shall exer-

cise a general supervision over all officers of the city charged in any manner with the receipt, collection or disbursements of the city revenue. He shall be a competent book-keeper and accountant, and it shall be his duty under the direction of the mayor and city council to keep a complete set of books wherein shall be stated, among other things, the amount of the appropriation that has been made on the fund that has been created for each distinct object of expenditure and the amount that has been expended on account of such appropriation fund. He shall also keep full, clear, correct and separate accounts of all the revenue, funds and incomes payable into the city treasury, and of all disbursements on account thereof. He shall always keep accurate and separate accounts between the city and the officers of the city, and between the city and all contractors or other persons doing work or furnishing material for the city. He shall also keep a regular and accurate account of debit and credit with the city treasurer, charging said treasury with the amount of taxes levied on the assessment roll, and giving him credit for all duplicate receipts furnished with his statements, and keep an account in like manner with said treasurer whenever assessments and appropriations are made, and expenditures ordered for any special object. He shall also carefully examine and check the annual report of the city treasurer and communicate to the city council as soon thereafter as practicable, the result of such examination; and he shall also carefully examine each month the account, statement and vouchers required by law to be rendered at the end of each month by the city

Qualifications.

Duties continued.

Bond.

treasurer, making from time to time such reports to the city council concerning such account and statement as may seem necessary and proper. He shall also keep a record of the bonds issued by the city, and of the payment and cancellation of all bonds of the city, and shall see that all bonds upon payment thereof are properly cancelled and destroyed. He shall perform such other duties as may be required by ordinance, and he shall devote his entire time to the duties of his office and he shall furnish a bond with at least two good and sufficient sureties to be approved by the council in the sum of ten thousand (\$10,000) dollars, conditioned upon the faithful performance of his duties.

It shall be the duty of the mayor on or before the first day of February of each year to secure from the heads of each department of the city an estimate of the probable cost of such department for the current year following and he shall submit such estimate to the city council, who shall thereupon make such corrections as shall be needed to embody the total expenditures on each of the several funds of the city including rents, salaries, repairs, etc., and one copy of such revised estimates, shall within two weeks be filed with the city comptroller, the mayor and city clerk respectively; the comptroller shall thereupon deduct the amounts so shown from the limits of funds available for the expenditure of the city for the current year, and no contract or vote incurring an indebtedness for moneys payable out of any fund shall be made by the mayor or city council, and no final action shall be taken upon such proposed contract or indebtedness

without the certificate of the comptroller that there are funds available to pay the same. And in no event shall any contract be made or indebtedness created in excess of the limit authorized by law except in the event of an unforeseen accident requiring the immediate repair for the public good which fact must be certified to by the board of public works and only then with the concurrence of the mayor and two-thirds of the entire council.

All bonds to be issued by cities of the metropolitan class shall be prepared and registered by the city comptroller before delivered to the city treasurer for issuance, and it shall be the duty of the city treasurer to promptly report to the comptroller detail statements of all receipts of money from the proceeds of the sale of bonds and to whom such bonds were sold.

Bonds prepared and registered by comptroller.

All warrants for payment of liabilities of the city shall be made and signed by the comptroller, signed by the mayor and issued by the comptroller.

Warrants issued by comptroller.

A monthly statement of all moneys and fees received by officers for the city must be reported on the first day of each subsequent month to the comptroller in addition to the statement said officials are required to furnish the treasurer.

Statement of money received to be reported to comptroller.

The comptroller is hereby authorized and empowered to appoint one deputy to be paid by the city, but for whose acts and doings said comptroller shall be responsible. And during the absence, disability or inability to act as said comptroller, said deputy may and is hereby authorized to do and perform any and all acts that might by such comptroller himself be done and performed if

Comptroller may appoint a deputy

present. Such appointment shall be in writing and the same be reported in writing to the city council by the comptroller.

City attorney
appointment.

SEC. 111. A city attorney shall be appointed by the mayor by and with the consent of the city council.

Duties.

It shall be the duty of the city attorney to attend to all cases in any court in this state, except the police court, and appeal cases therefrom, wherein the city may be a party, plaintiff or defendant, or a party in interest; to advise the city council or any committee thereof, in writing when required as to all legal questions that may arise before them; to advise the mayor and all other officers in relation to their duties, and from time to time make such reports in relation to the suits in which the city is interested as may be required by the mayor or city council, and to perform such other duties not inconsistent with the duties imposed by this act as by ordinance may be directed.

Assistant city
attorney ap-
pointment.

SEC. 112. An assistant city attorney, who shall be designated and nominated by the city attorney, shall be appointed by the mayor by and with the consent of the city council. It shall be the duty of the assistant city attorney to assist the city attorney in the trial of all cases in which it is the duty of the city attorney to engage, and to perform such other official duties as may be directed by the city attorney. He shall, during the absence, sickness or inability of the city attorney perform the duties of the city attorney; he may appear and assist the city prosecutor in the trial of any case in the police court, when deemed advisable; and he

Duties.

shall perform such other duties as may be prescribed by ordinance.

A city prosecutor shall also be appointed by the mayor, by and with the consent of the city council. It shall be the duty of the city prosecutor to attend all sessions of the police court, file and prosecute all criminal complaints against persons charged with the violation of the ordinances of the city or laws of the state within the final jurisdiction of the court. He shall be active and vigilant in the enforcement of all ordinances of the city and shall cause all violations of the ordinances of the city to be prosecuted, and he shall attend to all cases on appeal from the police court.

City prosecutor appointment.

Duties of.

Provided, however, In case of his sickness, absence or inability to attend to such appeal cases, then and in that case said duty shall devolve upon and be performed by the assistant city attorney.

SEC. 113. All grading, paving, macadamizing, curbing or guttering of any streets, avenues, or alleys in the city, shall be done by contract with the lowest responsible bidder, or by day's work petitioned by property owners representing a majority of the property in front feet, in any paving district under the direction and supervision of the board of public works;

Improvements done by contract, or in certain cases by day's labor.

Provided, Also, that in all matters of contract with the city for work to be done or material furnished, parties contracting shall give bond to the city, with not less than two sureties, in double the amount of said contract, for the faithful performance of the same, sureties on said bonds shall be resident freeholders of

Contractors' bond.

the county within which said city is situated, and shall justify under oath that they are worth double the amount for which they may sign said bond, over and above all debts, liabilities, obligations and exemptions.

City engineer
to inspect and
accept public
work.

SEC. 114. When any improvement mentioned in this act is completed according to contract, it shall be the duty of the city engineer to carefully inspect the same, and if the improvement is found to be properly done, such engineer shall accept the same and forthwith report his acceptance thereof for the confirmation or rejection of the board of public works and city council, who may confirm or reject such acceptance. When the contract for such work provides for the acceptance thereof in front of or along any block or piece of ground, the engineer may accept the same in sections from time to time, if found to be done according to contract, reporting his acceptance as in other cases; *Provided*, Nothing in this act contained shall be construed to interfere with or affect contracts of such cities for public works now existing, and all such contracts shall be governed by the acts and ordinances existing at the time they were made.

Mayor and
council may
cause streets to
be sprinkled,
and assess cost
to abutting
property.

SEC. 115. The mayor and council shall have power to provide for the sprinkling of the streets of said city, and for the purpose of accomplishing such sprinkling, may by ordinance, create suitable districts to be called and designated "Sprinkling Districts," and may order and direct the work of sprinkling to be done and performed upon the streets, alleys, parkways, boulevards or any or all thereof, therein. Said sprinkling shall

Contract for.

be done only upon contract in writing, let upon advertisement to the lowest responsible bidder; such advertisement shall specify the district or districts supposed to be sprinkled, especially describing the same, and bids shall be made and contracts let with reference to such district or districts so specified.

For the purpose of paying the cost of sprinkling herein contemplated and so contracted for, the mayor and council shall have power and they are hereby authorized to levy and assess the cost of sprinkling in any district or districts upon all lots, lands, grounds, property, and estate therein; such tax or assessment to be equal and uniform upon all feet front of property within or abutting upon the streets, alleys, parkways, or boulevards within the district so created. Such a tax and assessment shall be a lien upon all such lots, lands and real estate and shall be enforced and collected as are other special taxes.

Assess and
tax abutting
property to pay
for sprinkling.

SEC. 116. The mayor and council of any city governed by this act shall have power by ordinance to establish the grade of any street, avenue or alley in the city; and when the grade of any street, avenue or alley shall have been heretofore established, or when the grade of any street, avenue or alley shall be established and approved as herein provided, the grade of no street or part of a street shall be changed unless the consent in writing is first obtained of the owners of lots or lands abutting upon the street or part of street where such change of grade is to be made, who represent a majority of the feet front thereon, and not

Grades estab-
lished.

How changed.

How damages
determined.

then until the damages to property owners, which may be caused by such change of grade, shall have been assessed and determined by three disinterested freeholders, who shall be appointed by the mayor and council for that purpose, who shall make such appraisal, taking into consideration the benefits, if any, to such property, and file their report with the city clerk, and the amount of damages so assessed shall be tendered to such property owners or their agents, as soon as the funds for that purpose are obtained from the assessments of such damages upon property benefited by reason of such change of grade or otherwise realized.

Damages must
be tendered.

Provided, That no street, avenue or alley shall be worked to such change of grade until the damages so assessed shall be tendered to such property owners or their agents.

Appraisal of
damages, how
made.

SEC. 117. Before any street, avenue or alley shall be ordered graded, the damages, if any, by reason of such grading to property along that portion of the street proposed to be graded, including approaches thereto, shall first be ascertained and determined by three disinterested freeholders, who shall be appointed by the mayor and council for that purpose, who shall make such appraisal, taking into consideration the benefits, if any, to such property, and who shall exclude any damages resulting from any change or changes of the original or first established grade, and the amount of damages so assessed, unless an appeal is taken, shall be due and payable to such property owners or their

agents in sixty days after the completion and acceptance of such work of grading.

SEC. 118. Whenever it shall become necessary to appropriate private property for the use of the city for streets, alleys, avenues, sewers, parks, parkways, boulevards, public squares, gas works, electric light plants, water works, or such other purposes authorized by this act and such appropriation shall be declared necessary by ordinance, the mayor with the approval of the council shall appoint three disinterested freeholders of the city, who, after being duly sworn to perform the duties of their appointment with fidelity and impartiality, shall assess the damages to the owners of the property respectively taken by such appropriation. Such assessment shall be reported to the mayor and council for confirmation, and if the same shall be confirmed, the damages so assessed shall be paid to the owners of such property, or deposited with the city treasurer subject to the orders of such owners respectively, after which such property may at any time be taken for the use of the city. If the assessment be not confirmed by the council, proceedings may be taken anew to assess the damages.

Appropriation
of private pro-
perty, damages
for

SEC. 119. The council shall have power, and is hereby authorized, to assess the damages awarded or recovered for grading, change of grade, or for the appropriation of private property, upon the lots and lands benefited, which shall abut or be adjacent to the street, avenue or alley graded, or for the opening, extending or widening of which private property shall be appro-

Damages
awarded charg-
ed against
property bene-
fitted.

priated, or on which the grade shall be changed, and in the case of the appropriation of land for widening of a street, avenue or alley, the council may consider, for the purpose of determining benefits and equalizing such assessment, whether any portion of the street, avenue or alley had been previously donated from any lot or piece of land abutting or adjacent thereto.

Appeal from
assessment.

SEC. 120. In all cases of damages arising under the provisions of this act, the party or parties whose property is damaged or sought to be taken by the provisions of this act, shall have the right to appeal from such assessment of damage to the district court of the county in which such property is situated, within thirty days after the assessment provided for in this act, and in case of such appeal, the decision and finding of the district court shall be transmitted by the clerk thereof, duly certified, to the city clerk to be filed and recorded in his office; but such appeal shall not delay the appropriation of the property sought to be taken, or delay the improvement proposed, or retard the change of grade sought to be made, and in no case shall said city be liable for the cost on such appeal unless the owner of such real estate shall be adjudged entitled, upon the appeal, to a greater amount of damage than was awarded by said free-holders. The remedy by appeal herein allowed shall be deemed and held to be exclusive, and no person shall be allowed to prosecute or maintain any original action to recover any damages herein authorized or provided for.

SEC. 121. In all cases of damages arising under the provisions of this act, upon appeal being taken by any person from any award or assessment of damages, the city shall have the right, upon giving five days' notice to the person or persons appealing, to have such appeal placed upon the trial docket or calender of the court to which such appeal may be taken, at the head of the list of cases for trial, and such appeal shall have priority and precedence in the order of trial thereof over civil actions, and the court shall so arrange the call of cases for trial as to give such appeal such priority and precedence.

Trial of appeal, how hastened.

SEC. 122. The enacting clause of all ordinances shall be as follows: "Be it ordained by the city council of the city of——."

Form of enacting clause of ordinance.

SEC. 123. All ordinances of the city shall be passed pursuant to such rules and regulations as the council may prescribe. *Provided*, That upon the passage of all ordinances the "yeas" and "nays" shall be entered upon the record of the city council and a majority of the votes of all the members of said council shall be necessary to their passage; *Provided further*, That no ordinance shall be passed the same day, or at the same meeting it is introduced, except the general appropriation ordinance at the first meeting of each month; *Provided further*, That no ordinance granting any franchise shall be passed until at least two weeks shall have elapsed after its introduction, nor until after the same has been published in the official paper of the city.

Ordinances, how passed.

Proof of authenticity of ordinance.

SEC. 124. All ordinances of the city may be proven by the certificate of the clerk under the seal of the city, and when printed or published in a book or pamphlet form, and purporting to be published or printed by authority of the city council, shall be read and received in all courts and places, without further proof.

Appropriation; how made

SEC. 125. At the first meeting of the council in each month the mayor and council shall provide by ordinance for the payment of all liabilities of the city, incurred during the preceding month, or at any time prior thereto. No money shall be expended or payment made by the city except in pursuance of a specific appropriation made for that purpose by ordinance, and no liability shall be incurred, debt created, or contract involving the expenditure of money approved by the city council, except by a majority of the entire council, upon call of the yeas and nays and the record of the council proceedings shall show how each member voted, and any councilman voting to incur any liability, or to create any debt in excess of the amount limited or authorized by law, or if the mayor shall approve any ordinance or contract involving the expenditure of money in excess of the amount limited or authorized by law, and any liabilities sought to be incurred or debt created, in excess of the amount limited or authorized by law shall be taken and held by any court of the state as the joint or several liability and obligation of the councilman voting for and the mayor approving the same, and not the debt, liability or

Majority of entire council vote expenditure money.

Liability of councilman voting for excess, &c.

obligation of the city, and the voting for or approving of such liability, obligation or debt shall be conclusive evidence of malfeasance in office and for which such councilman or mayor may be removed from his office.

SEC. 126. Any ordinance appropriating moneys shall be subject to the veto of the mayor, and the mayor may veto any single item in any such ordinance, and if such item be not passed over his veto, such item shall be stricken out and shall not be paid by the city.

Ordinance
subject to may-
or's veto.

SEC. 127. Every resolution adopted, or contract approved, by the city council, appropriating or involving the expenditure of money, and every ordinance passed by the city council shall, within forty-eight hours after the action of the city council, be presented to the mayor for his approval, and he shall have at least three days thereafter for the consideration thereof.

Presentation
to mayor for
approval or dis-
approval.

If he approve the resolution, contract or ordinance, as the case may be, he shall sign the same and return the same to the city clerk, and so report to the council at the next regular meeting after the expiration of the time herein limited; if not, he shall return the same with his objections in writing to the city council at its next regular meeting after the expiration of the time herein limited. When any ordinance, contract or resolution, shall be returned without the approval of the mayor, the council shall thereupon consider whether the same shall be approved, notwithstanding the objections of the mayor. If two-thirds of all the members elected shall vote in the affirmative, such ordinance, contract or resolution shall be considered approved, and

Sign or return
with objections

Passage over
mayor's veto.

shall take effect and be valid in the same manner and with like force as if it had received the approval of the mayor; and should the mayor fail, neglect, or refuse to approve any ordinance, contract or resolution, or return the same with his objections in writing within the time herein limited, the same shall take effect and be valid in the same manner and with like force as if approved by him.

President and
acting president
of council.

SEC. 128. The city council shall have power to elect one of their own body president of the council, who shall preside at all meetings of the council, and in his absence to elect one of their own body to occupy his place temporarily, who shall be styled acting president of the council, and the president or acting president, when occupying the place of the mayor, shall have the same powers as the mayor, and shall also have the same rights and privileges as other members of the council.

City clerk.

SEC. 129. The city clerk shall be elected at the same time as the mayor, and shall hold his office for two years from and after the first Tuesday of January succeeding his election, and until his successor is elected and qualified. He shall give bond to the city in the penal sum of five thousand (\$5,000) dollars with two or more sureties, conditioned for the faithful and impartial discharge of the duties of his office; said bond to be approved by the city council and filed with the comptroller. He shall devote his entire time to the duties of his office.

SEC. 130. The council or any committee of the members thereof, shall have power to compel the attendance of witnesses for the investigation of matters that may come before them, and the presiding officer of the council, or the chairman of such committee for the time being, may administer the requisite oaths, and such council or committee shall have the same authority to compel the giving of testimony as is conferred on courts of justice.

Council or committee compel attendance of witnesses.

SEC. 131. The mayor and any five councilmen shall have power to call special meetings of the council, the object of which shall be submitted to the council in writing, and the call and object and the disposition thereof, shall be entered upon the journal by the clerk.

Special meetings how called

SEC. 132. The council shall have power to act as a board of equalization for the city to equalize all taxes and assessments, and to correct any errors in the listing or valuation of property, and to supply any omission in the same, and shall have the same powers as county commissioners have in similar cases. A majority of all the members elected to said council shall constitute a quorum for the transaction of any business properly brought before them, but a less number may adjourn from time to time, and compel the attendance of absent members. When sitting as a board of equalization, the council may adopt such reasonable rules as to the manner of presenting complaints and applying for remedy and relief as shall seem just. It shall not invalidate or prejudice the proceedings of said board that a majority of members thereof do not, after organ-

Board of equalization, council to act.

Quorum, what constitutes.

Powers and duties.

Board of equalization procedure.

ization by a majority, continue present at the advertised place of sitting, during the advertised hours of sitting.

Provided, The city clerk or some member of said board shall be present to receive complaints, applications, etc., and give information; and

Provided, No final action shall be taken by said board except by a majority of all of the members elected to the city council comprising the same and in open session.

Official paper
of the city.

SEC. 133. The council at the commencement of each year, or as soon thereafter as may be, shall designate some daily newspaper, printed in the city as the official paper of the city, in which shall be published all general ordinances and all notices and other proceedings required by law or ordinance to be published. All publishing of the city shall be let by contract to the lowest responsible bidder and the newspaper which shall be awarded the contract as the lowest responsible bidder for publishing all the matter hereinbefore specified, shall be the one designated as the official paper of the city; provided that said paper shall have at least two thousand (2,000) actual and bonafide subscribers for one year last preceding the time of bid.

All publishing
to lowest re-
sponsible bid-
der.

Mayor chief
executive offi-
cer.

SEC. 134. The mayor shall be the chief executive officer and conservator of the peace throughout the city, and shall have power by and with the concurrence of the board of police commissioners to appoint any number of special policemen which he may deem necessary to preserve the peace of the city, and to dismiss the same at pleasure. He shall sign the com-

Appoint and
dismiss special
police.

missions or appointments of all officers elected and appointed by the city government. He shall have such jurisdiction as may be vested in him by ordinance over all places within three miles of the corporate limits of the city for the enforcement of any health or quarantine ordinance or regulation thereof.

His jurisdiction.

SEC. 135. The mayor shall have power by and with the consent of a majority of the entire council to appoint all officers that may be deemed necessary for the good government of the city, other than those otherwise provided for in this act; and he shall have power in like manner to remove from office by and with the consent of the council, any person or persons so by him appointed thereto.

Mayor power to appoint and remove certain officers.

SEC. 136. He shall have the superintending control of all the officers and affairs of the city, except when otherwise specially provided, and shall take care that the provisions of this act, and the ordinances of the city, are complied with. He may, when he deems it necessary require any officer of the city to exhibit his accounts or any other papers, and to make report to the council in writing, touching any subject or matter he may require, pertaining to his office.

Mayor has control of all city affairs.

May require statements, etc.

SEC. 137. He shall, from time to time, communicate to the city council such information and recommend such measures as in his opinion may tend to the improvement of the finances, police, health, security, ornament, comfort and general prosperity of the city. He shall be active and vigilant in enforcing

Mayor shall communicate to council important measures.

Shall enforce laws.

Give notice of
absence.

all laws and ordinances of the city, and shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty. He shall give written notice to the city clerk of his intended absence before leaving the city.

Citizens may
be called on to
assist in en-
forcing laws.

SEC. 138. The mayor and chief of police shall each have power to call upon any citizen to aid in the enforcement of any ordinance or suppression of any riot, and any person who shall refuse or neglect to obey such call shall forfeit and pay a fine not exceeding one hundred dollars.

President
council to act
as mayor in
case of absence
disability, etc.

SEC. 139. When any vacancy shall happen in the office of mayor, by death, resignation, absence from the city, removal from office, refusal to qualify, or otherwise, the president of the council for the time being shall exercise the office of mayor with all the rights, privileges, powers and jurisdictions of the regular mayor until such vacancy be filled, or such disability removed, or in case of temporary absence, until the mayor shall return; and during that time he shall receive the same compensation that the mayor would be entitled to.

Annual report
when publish-
ed.

SEC. 140. The mayor and council shall cause to be published annually on or before the first day of March a statement of the receipts and expenditures of the city and the financial condition of the same for the preceding fiscal year; such fiscal year shall be deemed to commence January first, and to terminate December thirty-first (31) annually.

Fiscal year,
fixed.

Provided, It is hereby made the duty of the city treasurer, city clerk, comptroller, city engineer, city attorney, city prosecutor, police judge, inspector of buildings, board of fire and police commissioners, board of public works, board of health, board of park commissioners, and each and every other official, board or department of the city now existing, or hereafter appointed or created, and whether or not the same be herein specified, not including members of the city council, to report to the mayor and city council in writing annually on or before the first day of February a full and detailed statement of all receipts and expenditures, funds, property, and of all acts, doings, transactions, employments and proceedings of their and each of their said board department position, or office for and during the preceding fiscal year.

Departments
and employees
report annually
to mayor.

SEC. 141. All orders and drafts on the treasurer for money shall be signed by the mayor and shall be countersigned and issued by the comptroller who shall keep an accurate record thereof in a book to be provided for that purpose.

All orders and
drafts on the
treasurer sign-
ed by mayor
and counter-
signed by
comptroller.

SEC. 142. No city of the metropolitan class shall be liable for damages arising from defective streets, alleys, sidewalks, public parks or other public places within such city, unless actual notice in writing of the accident or injury complained of with a statement of the nature and extent thereof and of the time when and place where the same occurred, shall be proved to have been given to the mayor or city clerk within ten (10) days after the occurrence of such accident or injury.

Not liable for
defective side-
walks, etc., un-
less notice gi-
ven.

And it is hereby made the duty of the city clerk to keep a record of such notice, showing time when and by whom such notice was given and describing the defect complained of; to at once file such notice, and report the same to the city council at its next meeting.

Persons injured examined by city physician.

Any person or persons claiming to have been injured from or by reason of the cause herein indicated, shall at any time after the giving of the notice contemplated, be subject to a personal examination by the city physician and such other physicians as the city attorney may indicate, or by either thereof, for the purpose of determining the character and extent of the injuries complained of; and failure or refusal to submit to such examination shall prohibit the maintaining of any action against the city or recovery of any damages therefrom.

Refusal to submit to examination, not maintain action.

Appointments to be made by mayor.

SEC. 143. Upon the second Tuesday after the election in 1887, and on the second Tuesday in January after each general city election the mayor, subject to confirmation by the city council, shall appoint the following officers, to-wit: A city engineer, a city attorney, an assistant city attorney, a city prosecutor, a street commissioner, an inspector of buildings, a boiler inspector, and such other appointive officers as may be authorized herein or specially provided for by ordinance.

Appointments how confirmed

It shall require a majority of all the members of the council to confirm each of said appointments. Upon the failure or refusal of the council to confirm any of said appointments it shall be the duty of the mayor on the first Tuesday of each month thereafter to make other appointments for such offices, if the appointees

thereto be not confirmed, and to so continue until approved by the council.

SEC. 144. All officers appointed by the mayor and confirmed by the council shall hold the office to which they may be appointed until the end of the mayor's term of office, and until their successors are appointed and qualified, unless sooner removed, or the ordinance creating the office shall be repealed, except as otherwise herein provided.

Officers appointed by mayor to hold office till end of mayor's term.

SEC. 145. In each city of the metropolitan class there shall be a board of fire and police commissioners, to consist of the mayor (who shall be *ex-officio* chairman of said board) and four electors of said city, to be appointed by the governor. The governor shall appoint, as the commissioners above, four citizens, one (1) at least from each of the three (3) political parties casting the largest number of votes for city officers at the last preceding city election; two of them of different political party faith and allegiance shall be designated in their appointment to serve for two years, and the other two also of different political party faith, shall be designated to serve for four years. And thereafter after the expiration of said term, and each period of two years, the governor shall appoint two members of said board. For official misconduct the governor may remove any of said commissioners; and all vacancies in said board by death, resignation or removal, shall be filled by the governor for the unexpired term; and all vacancies from whatever cause shall be so filled that not more than two of the members of said board shall be of the same political

Board of fire and police commissioners appointed by governor.

Of whom to consist.

Term of office.

Political faith of.

Powers and
duties of board.

Quorum.

Oath of office.

Appoint a
chief of fire de-
partment, and
assistant, and
other officers.

Power of re-
moval.

Employ fire-
men.

party, or so reputed; all powers and duties connected with and incident to the appointment, removal, government and discipline of the officers and members of the fire and police departments of the city under such rules and regulations as may be adopted by said board, shall be vested in and exercised by the said board. A majority of said board shall constitute a quorum for the transaction of business. Before entering upon their duties, each of said officers shall take and subscribe an oath to be filed with the city clerk, faithfully, impartially, honestly, and to the best of his ability, to discharge his duties as a member of said board, and that in making appointments or considering promotions or removals, he will not be guided or actuated by political motives or influences, but will consider only the interests of the city and the success and effectiveness of said departments. The board of fire and police shall have power, and it shall be the duty of said board to appoint a chief of the fire department, and assistant chief of the fire department and such other officers of the fire department as may be deemed necessary for its proper direction, management and regulation, and under such rules and regulations as may be adopted by said board. Said board may remove such officers or any of them whenever said board shall consider and declare such removal necessary for the proper management or discipline, or for the more effective working or service of said department. The board of fire and police shall also employ such firemen and assistants, or may authorize the chief of the fire department so to do, as may be proper and necessary for the effective services of said department, to the extent and limit that

the funds provided by the mayor and council for that purpose will allow.

The board of fire and police shall have power, and it shall be the duty of said board to appoint a chief of police and such other officers and policemen to the extent that funds may be provided by the mayor and council to pay their salaries, as may be necessary for the proper protection and efficient police of the city, and as may be necessary to protect citizens and property and maintain peace and good order.

Appoint a chief of police, other officers and policemen.

The chief of police and all other police officers and policemen shall be subject to removal by the board of fire and police, under such rules and regulations as may be adopted by said board, whenever said board shall consider and declare such removal necessary for the proper management or discipline, or for the more effective working or service of the police department. It shall be the duty of said board of fire and police to adopt such rules and regulations for the guidance of the officers and men of said departments and for the appointment, promotion, removal, trial or discipline of said officers and men as said board shall consider proper and necessary. The said board of fire and police shall have such further powers and perform such other duties as may be authorized or defined by ordinance. Each commissioner before entering upon the duties of his office shall give bond in the sum of five thousand (\$5,000) dollars, conditioned for the faithful performance of all duties of his office, the same to be approved by the city council and filed with the city clerk.

Chief police, policemen, subject to removal.

Adopt rules.

Further powers of board.

Bond of commissioners.

Powers, duties
and compensa-
tion of mayor
member.

Provided, That the mayor as a member of said board shall qualify in the same manner, shall have and exercise the same powers, privileges, and authority as the other members thereof, and receive the same compensation therefor. The tenure of his office shall be governed by provisions of the charter regulating and controlling the office of mayor. The provision as to compensation to said mayor as a member of such board shall apply only from the date of the taking effect of this act. The terms and powers of members of said board heretofore appointed by the governor of the state shall not be affected or changed by any amendment hereto.

Chief of police,
duties.

SEC. 146. The chief of police shall have the supervision and control of the police force of the city, and in that connection he shall be subject only to the orders of the mayor and the board of fire and police, and all orders of the board relating to the direction of the police force shall be given through the chief of police, or in his absence, the officer in charge of the police force.

How controll-
ed.

Chief of po-
lice to execute
writs.

SEC. 147. The chief of police shall be the principal ministerial officer of the corporation; he shall by himself or by deputy execute and return all writs and process issued by the police judge; he or one of his deputies shall attend on the sitting of the police court and preserve order therein; and his jurisdiction and that of his deputies in the service of process in all criminal cases, and in cases for the violation of the city ordinances shall be co-extensive with the county. The chief of police or his deputies shall take bail when the police

court is not in session in all bailable cases for the appearance before said court of persons under arrest.

Chief of police
further powers

SEC 148. He shall be subject to the orders of the mayor in the suppression of riots and tumultuous disturbances and breaches of the peace; he may pursue and arrest any person fleeing from justice in any part of the state, and shall forthwith bring all persons by him arrested before the police judge for trial or examination; he may receive and execute any proper authority for the arrest and detention of criminals fleeing or escaping from other places or states.

SEC. 149. He shall have, in the discharge of his proper duties, like powers and be subject to like responsibilities, as sheriff in similar cases.

Responsibility
of chief.

SEC. 150. The policemen of the city shall have the same power as constables in arresting all offenders against the laws of the state, and in like manner may arrest all offenders against the ordinances of the city. In the discharge of their duties as policemen they shall be subject to the immediate orders of the chief of police.

Power of po-
licemen.

To whom sub-
ject.

SEC. 151. The police judge shall have exclusive jurisdiction over, and it shall be his duty to hear and determine all offenses against the ordinances of the city, arising within the corporate limits of the city, or within three miles of the corporate limits thereof, and of misdemeanors under the laws of the state arising within the limits of the city, when the fine which may be imposed does not exceed one hundred dollars or the

Jurisdiction of
police judge.

imprisonment three months. And he shall also have jurisdiction for the examination of offenders against the laws of the state, for offenses arising within the city limits.

Powers and
duties of police
judge.

SEC. 152. The police judge shall be a conservator of the peace, and his court shall be open every day, except Sundays, to hear and determine any and all cases cognizable before him. No act shall be performed by him on Sunday, except to receive complaints, issue process and take bail. He shall have power to enforce due obedience to all orders, rules, judgments and decrees made by him; he shall have the same power as the district court in the issue of warrants, subpoena or other process that may be necessary, and may fine or imprison for contempt offered to him while holding court, or to process issued by him in the same manner and to the same extent as the district court.

Appeal from
police judge.

SEC. 153. In all cases before the police judge, arising under the ordinances of the city or the laws of the state, an appeal may be taken by the defendant to the district court or other court of appeal, which may be provided by law in and for the city or the county in which said city is situated; but no appeal shall be allowed unless the defendant shall, within ten days enter into recognizance with sufficient sureties, to be approved by the judge, not less than one hundred (\$100) dollars in any case, conditioned for the payment of the fine and costs on appeal, if it should be determined against the appellant.

How taken.

SEC. 154. On the trial of any case in the police court, it shall be the duty of the police judge to sign any bill of exceptions tendered to the court during the progress of such trial, provided the truth of the matter be fairly stated, and thereupon said exceptions shall be entered in the record of such trial. Any final conviction, sentence or judgment of the police court may be examined into by the district court on writ of error, which may be allowed by such court or judge thereof, for sufficient cause, and proceedings may be stayed as may be deemed reasonable, and the revising court shall in such proceedings, take judicial notice of all ordinances of the city, the judgment of whose police judge said court may be examining.

Police judge
sign bill of ex-
ceptions.

District court
may review
proceedings of
police court.

SEC. 155. Cases in the police court for the violation of the ordinances of the city or the laws of the state, in which the police judge shall have final jurisdiction, shall be tried by the police judge without the intervention of a jury, but the right of appeal shall not be denied in any case.

No jury trial
in police court.

SEC. 156. If the defendant is found guilty, the police judge shall declare the punishment which, in cases arising under the ordinances of the city, shall be by fine or imprisonment, or both, and shall render judgment accordingly.

May punish
by fine and im-
prisonment.

It shall be a part of the judgment that the defendant stand committed until the judgment be complied with, and all fines and costs are paid, and it shall be lawful to further provide as part of the judgment, that until such judgment be complied with and such

May commit
till judgment
complied with
and cause fine
to be worked
out.

finer and costs are paid, that said defendant be required to work out said fine and costs, upon the public streets, or at any other place that may be provided, at the rate of two (\$2.00) dollars per day, for each day said defendant shall actually work.

Costs imposed
on prosecution
in certain cases

SEC. 157. If upon trial under the provisions of this act it shall appear to the satisfaction of the police judge, or jury, that the prosecution was commenced without probable cause, or from malicious motives, the judge or jury trying the case shall state the name of the prosecutor or prosecutors in the findings and shall impose the costs of the prosecution upon him or them, and judgment shall be rendered against such prosecutor or prosecutors, that he or they pay such costs and stand committed until the same is paid.

Police court
proceedings
same as justice
of the peace.

SEC. 158. The police judge shall have all power necessary to the performance of his duties; he shall bring parties to trial without unnecessary delay; he may, upon good cause shown, postpone the trial from time to time and secure the presence of the defendant by recognizance or otherwise. In all cases not herein specially provided for the process and proceedings in the police court shall be governed by the laws regulating proceedings in justices' courts in criminal cases.

Clerk of po-
lice court.

Whenever a clerk shall be provided for the police court by ordinance, such clerk shall be authorized to administer oaths, issue warrants, subpoenas, and all other process that may be necessary, and take and approve bail in all bailable cases.

III

SEC. 159. The police judge shall tax and collect the same fees and costs as are allowed a justice of the peace for similar services; witnesses shall receive the sum of one (\$1.00) dollar for each day's attendance. In no case shall the city be liable to pay any costs or fees in cases in the police court, and all fines, fees and costs taxed and collected by the police judge shall be paid into the city treasury at the end of each week, accompanied by a full and accurate statement of all fines, fees and costs taxed and collected or taxed and uncollected. All witness fees remaining unclaimed for ninety days after the same shall have been collected by the police judge shall be forfeited to the city, and shall be paid to the city treasurer by the police judge, who shall report at the end of each week to the city council all witness fees collected by him and in his possession. The police judge shall be liable upon his official bond for the prompt payment, as required by this act, of all fines, fees and costs collected by him.

Police judge to tax same fees as justice of the peace.

Witness fees forfeited when.

Provided, That when a clerk of the police court is provided for by ordinance, such clerk shall make the collections, payments and reports herein required with like liability as the police judge.

Police clerk to make collections.

SEC. 160. In case of vacancy in the office of police judge by death, resignation or otherwise, or in case of his absence, disability or inability to perform his duty, it shall be the duty of any acting justice of the peace within the city, who shall be designated by the mayor in writing, to act as police judge during

Vacancy in office of police judge, how filled.

such vacancy, absence or inability, in the trial of causes cognizable before the said judge.

Fines and costs
how remitted.

SEC. 161. The police judge shall remit no fine or costs in any case. The mayor and council may provide by ordinance the manner and terms on which the mayor may remit any fine, penalty or costs imposed by the police judge for offenses arising under the ordinances of the city or the laws of the state.

Mayor and
council pro-
vide for exer-
cise of power.

SEC. 162. When by this act the power is conferred upon the mayor and council to do and perform any act or thing, and the manner of exercising such power is not specially pointed out, the mayor and council may provide by ordinance the details necessary for the full exercise of such power.

Duties, powers
and privileges
of officials de-
fined by ordi-
nance.

SEC. 163. The duties, powers and privileges of all officers of every character, in any way connected with the city government not herein defined, shall be defined by ordinance, and the defining by this act of the duties of any city officer, shall not preclude the mayor and council from defining by ordinance further and additional duties to be performed by any such officer.

All officials
take oath.

Every officer of the city, before entering upon his official duties, shall take and subscribe an oath faithfully to discharge the duties of his office, which oath shall be in writing, and shall be filed with the city clerk.

Resident tax
payer may de-
fend suit if city
refuse.

SEC. 164. In any and all suits at law or in equity that may be brought against any city of the metropolitan class, if the said city shall refuse or neglect

to defend the same, any resident tax payer may, in behalf of said city, defend said suit at the cost of the said city, not including attorney's fees.

SEC. 165. Lands, houses, moneys, debts due the city, and property and assets of every description belonging to any city governed by this act, shall be exempt from taxation, execution and sale; judgments against said city shall be paid out of the judgment fund, or when a special fund is created for such purpose, out of such special fund.

City property exempt from taxation execution.

SEC. 166. All fines and penalties, and forfeitures, collected for offenses against the ordinances of the city, or for misdemeanors against the laws of this state, committed within any city of the metropolitan class shall, unless otherwise provided by law, be paid by the person receiving the same, to the city treasurer of said city, and any person receiving such fine, penalties of forfeitures, who shall fail to pay the same over as above provided, within thirty (30) days after the receipt of the same by him, or within ten (10) days after being requested by the mayor so to do, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not to exceed one thousand (\$1,000) dollars and imprisonment not to exceed six (6) months in the county jail.

All fines, penalties and forfeitures paid to city treasurer.

Penalty for refusing.

SEC. 167. The several officers hereinafter named of any city of the metropolitan class, shall receive the following compensation and no more directly or indirectly, to-wit:

Compensation of officials.

- Mayor. 1st. The mayor shall receive the sum of twenty-five hundred (\$2,500) dollars per annum for services as mayor, and as a member of the board of fire and police commissioners the same compensation as other members of such board.
- Police judge. 2nd. The police judge shall receive a salary of twenty-five hundred (\$2,500) dollars per annum.
- Treasurer. 3rd. The treasurer shall receive a salary of six thousand (\$6,000) dollars per annum.
- Comptroller. 4th. The comptroller shall receive a sum of twenty-five hundred (\$2,500) dollars per annum.
- Chief police. 5th. The chief of police shall receive the sum of two thousand (\$2,000) dollars per annum.
- City clerk. 6th. The city clerk shall receive the sum of twenty-five hundred (\$2,500) dollars per annum.
- City attorney. 7th. The city attorney shall receive the sum of three thousand (\$3,000) dollars per annum.
- Assistant city attorney. 8th. The assistant city attorney shall receive the sum of two thousand (\$2,000) dollars per annum.
- City prosecutor. 9th. The city prosecutor shall receive a salary of fifteen hundred (\$1,500) dollars per annum.
- City engineer. 10th. The city engineer shall receive the sum of three thousand (\$3,000) dollars per annum.
- Assistant city engineer. 11th. The assistant city engineer shall receive the sum of two thousand (\$2,000) dollars per annum.
- Chairman board public works. 12th. The chairman of the board of public works shall receive the sum of twenty-five (\$2,500) dollars per annum.
- Building inspector. 13th. The inspector of buildings shall receive the sum of two thousand (\$2,000) dollars per annum.

14th. The commissioner of health shall receive a salary of two thousand (\$2,000) dollars per annum. Commissioner of health.

15th. The boiler inspector shall receive the sum of fifteen hundred (\$1,500) dollars per annum. Boiler Inspector.

16th. The commissioners of fire and police shall each receive a salary of six hundred (\$600) dollars per annum, and no more directly or indirectly. Commissioner of fire and police.

17th. The chairman of the board of park commissioners shall receive a salary of six hundred (\$600) dollars per annum, and the other members of said board the sum of two hundred (\$200) dollars each per annum. Chairman board of park-commissioners.
Other members board of park commissioners.

18th. Each policeman shall receive a sum not exceeding eighty-five (\$85) dollars per month, nor less than seventy (\$70) per month, and each officer of police under the rank of chief shall receive a sum not exceeding one hundred (\$100) dollars per month, to be fixed by the board of fire and police commissioners. No policeman shall be allowed fees as a witness in any criminal case tried in any court of this state. Policemen.
No witness fees for policemen.

19th. Each councilman shall receive the sum of eight hundred (\$800) per annum. Councilmen.

20th. The street commissioner as a member of the board of public works shall receive the sum of two thousand (\$2,000) dollars per annum. Street commissioner.

21st. The sewer commissioner as a member of the board of public works shall receive the sum of two thousand (\$2,000) dollars per annum. Sewer commissioner.

SEC. 168. The compensation or salary of all officers and agents of the city not herein specified, shall be fixed and determined by ordinance and shall not be Compensation of officers not increased or decreased during term.

increased or diminished during the term for which such officer or agent shall be appointed.

Officer receive
no greater com-
pensation than
fixed herein.

SEC. 169. No officer shall, directly or indirectly, be allowed any further or greater compensation for his official services than is allowed herein, nor shall any officer named herein take or receive therefor, directly or indirectly, any further or greater compensation than is provided as aforesaid

Penalty for
violation of
foregoing pro-
visions.

SEC. 170. If any such officer shall violate any of the foregoing provisions of this act, or if any member of the council shall vote for any further allowance to any officer whose salary is fixed by this act, or to the members of the council, he shall be deemed guilty of a misdemeanor in office and upon conviction thereof in a court of competent jurisdiction, shall be fined in a sum not exceeding one thousand dollars, and be imprisoned in the county jail not exceeding one year; and he shall moreover be removed from office by the court rendering judgment of conviction against him.

Officer of city
or member of
council not to
be interested in
contract, etc.

SEC. 171. Any officer of the city, or member of the city council or any employee intrusted with the supervision of any public work, who shall by himself or agent, or as the agent or representative of any other person or corporation, become a party to, or in any way interested in any contract, work or letting, under the authority and by the action of the city council, or who shall in any manner be pecuniarily interested in, or receive any portion of the wages or pay, of any person or team in his charge or under his supervision or control,

or furnish any material to be used in such work or under such contract, or who shall accept or receive any valuable consideration or promise for his influence or vote, shall be fined in any sum not exceeding one thousand dollars or imprisonment in the county jail not exceeding six months, or both, in the discretion of the court.

Penalty for violation.

SEC. 172. The power to remove from his office the mayor or any councilman or other officer mentioned in this act, in any city of the metropolitan class, for good and sufficient cause, is hereby conferred upon the district court for the county in which such city is situated, and whenever any two of the city councilmen shall make and file with the clerk of said court, the proper charges and specifications against the mayor, alleging and showing that he is guilty of malfeasance or misfeasance as such officer, or that he is incompetent, or neglects any of his duties as mayor, or that for any other good and sufficient cause stated, he should be removed from his office as mayor, or whenever the mayor shall make and file with the clerk of said court the proper charges and specifications against any councilman or other officer mentioned in this act, alleging and showing that he is guilty of malfeasance or misfeasance in such office, or that he is incompetent or neglects any of his duties, or that for any other good and sufficient cause stated, he should be removed from his office, the judge of such court may issue the proper writ, requiring such officer to appear before him, on a day therein named, not more than ten days after the service of such writ, together with a copy of such charges and specifications, upon such officer

Remove from office, district court jurisdiction.

Charge how preferred agst mayor and other officers.

Procedure.

to show cause why he should not be removed from his office. The proceedings in such case shall take precedence of all civil causes and be conducted according to the rules of such court in such cases made and provided, and such officer may be suspended from the duties of his office during the pendency of such proceedings by order of said court.

Act to incorporate cities of first class repealed.

SEC. 173. That an act entitled "An act to incorporate cities of the first class, and regulating their duties, powers and government," approved March 1st, 1881, and all acts amendatory thereof, and all acts or parts of acts or laws in conflict herewith and be the same are hereby repealed.

Sale personal property in possession of chief police or police judge.

SEC. 174. That all personal property which may now be or which may hereafter come into the possession and custody of the chief of police or of the police judge in cities of the metropolitan class, and which shall remain unclaimed for the period of six (6) months after the passage of this act, or which may remain unclaimed for the period of six (6) months after such property may hereafter come into the possession and custody of such chief of police or such police judge, shall be sold by the chief of police of such city at public auction after giving thirty (30) days notice thereof, by advertisement published three consecutive days in the official newspaper of such city. [1889, Chap. 18.]

Police relief fund, how used

SEC. 175. The board of fire and police commissioners in any city, considered and known as a city of the metropolitan class, is hereby authorized to

create a police relief fund by assessing upon each member of the police force a sum to be deducted from the monthly pay of each member, not exceeding one per centum thereof, and the sum so fixed and deducted shall be paid into the city treasury to the credit of the police relief fund, and shall be used exclusively to relieve members of the force when sick or disabled from the performance of duty, for funeral expenses, relief of their families in case of death, or for pensions when honorably retired from the force. [1889, § 1, Chap. 17.]

SEC. 176. (First) All moneys received from fines imposed upon members of the police force of such city for violation of the rules and regulations of the police department; (second) one-fourth of all rewards given or paid to members of the police force of such city, except such as shall be excepted by said board, and (third) all moneys arising from the sale of unclaimed property or money, after deducting all expenses incident thereto, shall be paid into the city treasury to the credit of the police relief fund, and the fire and police commissioners shall be trustees of the fund and shall invest the same from time to time, when there is a surplus, in United States bonds, bonds of the State of Nebraska, bonds of such city or bonds of the county in which such city is located. How invested.

Provided, however, That it shall be the duty of said city treasurer to deposit and keep at interest so much of said police fund as may not be invested as aforesaid, in such bank in such city as may be designated by

the board of directors of the police relief fund, hereinafter mentioned, and approved by the board of fire and police commissioners. [Id. § 2.]

Disbursement
of fund.

SEC. 177. The members of the police force of the city shall make such rules and regulations as to the disbursement of the police relief fund to the members as they may deem proper, such rules and regulations to be approved by the board of fire and police commissioners. And the members of the police force each having one vote, shall elect annually, on the first Wednesday after the first day of April in each year, a board of seven members from their own number, to be known as the board of directors of the police relief fund, to whom shall be entrusted the entire management of the fund and its disbursements, subject to the approval of the board of fire and police commissioners as herein provided. [Id. § 3.]

Board of di-
rectors.

Organization.

SEC. 178. The board of directors shall organize, electing a president and secretary, and no payment of any money shall be made from the relief fund, save for investment by the trustees, except upon the order of the board of directors, signed by the president, countersigned by the secretary, and approved by the board of fire and police commissioners. Members who have resigned, or have been dismissed from the force shall have no interest in or claim on such funds, and members who are honorably retired from the force shall have only such interest in the fund as may be fixed in the rules and regulations in relation to the fund by the board of directors, and approved by the board of police commissioners. [Id. § 4.]

Management.

Control, etc.

SEC. 179. When a patrolman or any officer of a higher grade on the active force becomes bodily disabled in consequence of and while in the performance of official duty, he may continue to draw his regular salary, at the discretion of the board of fire and police commissioners, for a period not to exceed three months. If such disability, incurred in consequence of and while in performance of official duty, shall appear to be of such a character as to permanently unfit such member of active duty upon the police force he shall, upon the recommendation of the mayor and approval of the board of fire and police commissioners, be retired and shall be allowed out of the police relief fund a pension of ten (\$10) dollars per month, to be paid monthly. But if any member of the force, on recovery from such disability, be assigned to duty and full pay, his pensions shall cease. Patrolmen and officers of a higher grade, who have done faithful service, and have been disabled so as to unfit them for serving for patrolman or as such officers may be assigned to other duties suitable to their physical abilities, and shall always have preference in such assignments. When such member of the force in consequence of such partial disability, has been assigned to any position having a rate of compensation lower than the one to which such member was entitled, previous to his disability, such assignment shall not exclude him from receiving a pension or terminate the pension which may have been awarded him. The pension herein provided for shall be aside from and in addition to any allowance which may come from the police relief

Disabled police or firemen, privileges.

Pension allowed, when.

fund provided for above. Any patrolman or officer of a higher grade who has served faithfully for a period of fifteen years from and after the passage of this act, and who has reached the age of fifty years, may on retirement from active service, on recommendation of the mayor and the approval of the board of fire and police commissioners, be allowed a pension of ten (\$10) dollars per month, to be paid as provided above for pensions on account of disability. [Id. § 5.]

Police matron. SEC. 180. That in cities of 25,000 or more inhabitants a woman shall be appointed by the mayor to the office of police matron, who shall have the care and custody of all women and children arrested in such cities. Such police matron shall be a member of the regular police staff under the same restrictions, and shall receive a salary of \$50 per month.—(1893)

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TO

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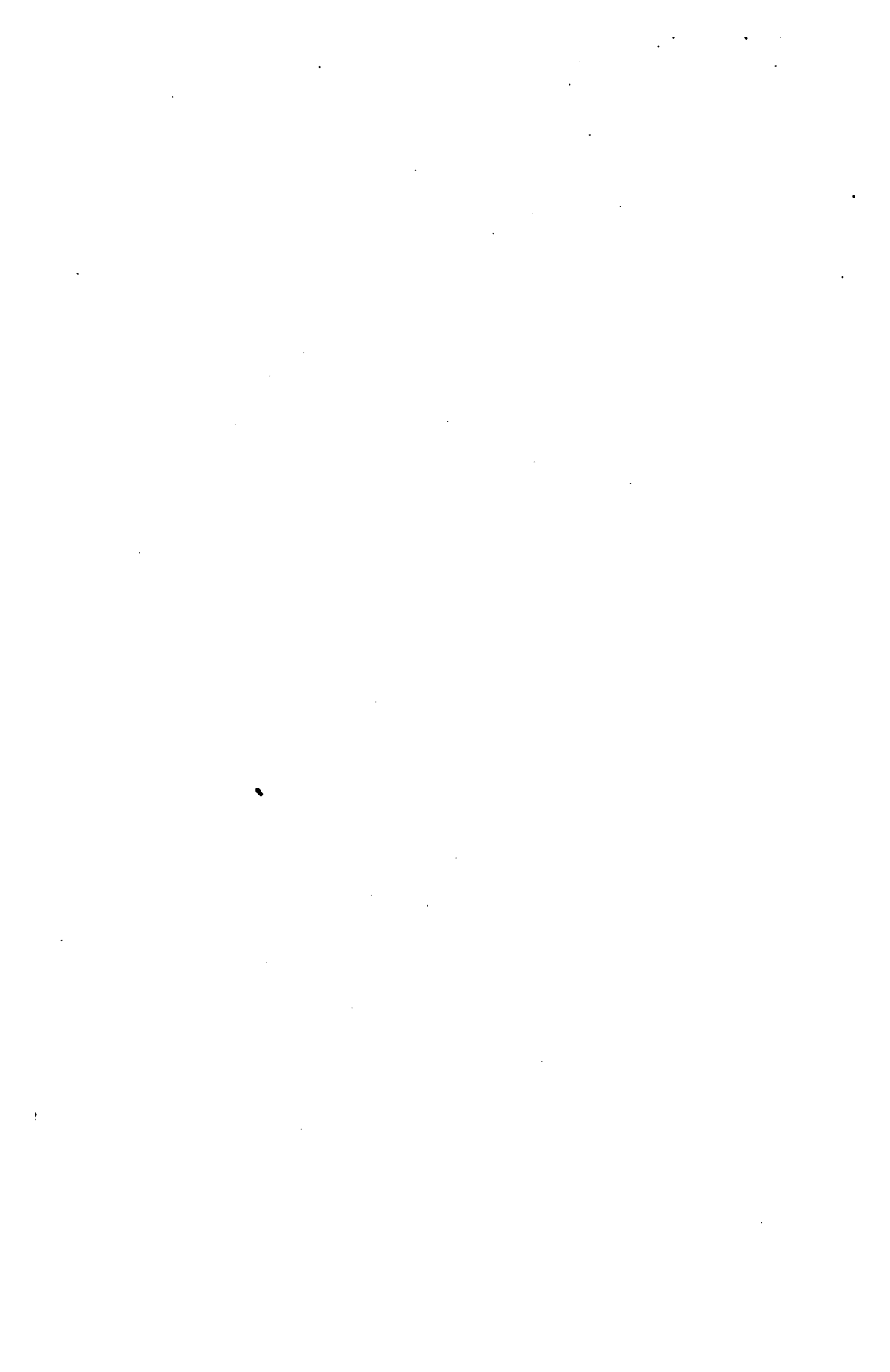
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